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Senate

The Senate met at 9:37 a.m. and was called to order by the Honorable RICK SANTORUM, a Senator from the State of Pennsylvania.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Dr. Jack C. Bishop, Jr.

PRAYER

The guest Chaplain, Dr. Jack C. Bishop, Jr., pastor, First Baptist Church, Waynesville, NC, offered the following prayer:

Our gracious Lord, Your word declares, ''They that wait upon the Lord shall renew their strength.'' You summon us to reverence and honor this day as in every day. By seeking Your wisdom, we can make wise and fair choices. By trusting Your love and justice, we can aspire to a democracy that protects and provides for all citizens. By accepting Your forgiveness and grace, we can be forgiving and graceful ourselves. What a blessed Nation we are!

In the stillness of Your power and glory, may Your spirit prevail upon these national leaders. Give them the steady assurance of Your will and goodness in the most complex of matters they will consider this day. Give them devout courage, humility, and vision for their tasks. Give them fantastic energy from their fellow citizens who wear no badge of honor but who pray for them every day. Protect the Senators from disillusionment and invigorate them with the progress of Your righteousness. Let them see Your glory when people freely do good and serve others. Let the nations see the glory of the God-given democracy where equality and justice abound.

O Lord, we are particularly mindful of the grieving community in Littleton, CO, and the burdens of our Nation considering war. Deliver our world from violence and war that through You we might be peacemakers and keepers.

Thank You for the gifts of these national leaders, their service to our Nation, and their faith in You. Be with their families and let them all feel appreciated. O God, You are the Author of liberty, both now and forevermore. In Your holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 22, 1999.

TO THE SENATE: Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICK SANTORUM, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. SANTORUM thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. ENZI. Mr. President, this morning the Senate will immediately resume debate on the Social Security lockbox legislation with a vote on cloture at 11:30 a.m. Pursuant to rule XXII, Senators have until 10:30 a.m. to file second-degree amendments to the Lott amendment. Following the vote, if cloture is not invoked, it is the intention of the leader to proceed to the important Y2K legislation. The Senate may also consider any other legislative or executive items cleared for action. As a reminder, the Senate will not be in session on Friday due to the NATO summit taking place in Washington throughout the weekend.

I thank my colleagues for their attention and, Mr. President, I yield myself such time as might be necessary.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

GUIDANCE FOR THE DESIGNATION OF EMERGENCIES AS A PART OF THE BUDGET PROCESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 hours of debate, equally divided, on amendment No. 254 to S. 557, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 557) to provide guidance for the designation of emergencies as part of the budget process.

The Senate resumed consideration of the bill.

Pending:

Lott (for Abraham) amendment No. 254, to preserve and protect the surpluses of the social security trust funds by reaffirming the exclusion of receipts and disbursement from the budget, by setting a limit on the debt held by the public, and by amending the Congressional Budget Act of 1974 to provide a process to reduce the limit on the debt held by the public.

Abraham amendment No. 255 (to amendment No. 254), in the nature of a substitute.

Mr. ENZI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I rise in support of the Social Security lockbox amendment as offered by the distinguished majority leader, Senator LOTT, and the Budget Committee chairman, Senator DOMENICI.

You can't spend IOUs. Right now, Social Security is a marked trust fund,

but it is a box of IOUs. This amendment represents an unparalleled commitment by the Senate to pay off some IOUs, truly lock the Social Security money up and thereby assure present seniors and following generations of seniors that their Social Security benefits will be there when they need them most. When Social Security first started, there were 45 people working to take care of one person who is retired. It has been a huge pyramid, but it is now becoming inverted. We are fast approaching a time when only two or three people will be funding the one who is retired. If you have kids, think about how you would feel about making your children pay your Social Security by themselves out of their paychecks. That is what the future looks like. You can see what a bite out of a paycheck that is going to be for two or three people to be able to pay the monthly benefit of one retiree.

Being fiscally responsible is one way to remedy this problem. Passing this lockbox amendment is a means to avoiding a last-minute Draconian event. As an accountant, I have an appreciation and respect for numbers. They can be just as misleading as they are truthful. But there should be no misconception about what our Nation's budget projections tell us. The surplus we expect to get over the next 15 years is Social Security revenue.

This is an important point to understand. Budget surplus revenue, during the next 15 years, comes from mandatory Federal payroll taxes paid by working Americans. What is paid into the Federal Government as FICA taxes goes towards keeping the Social Security program running. What is paid in by the people working gets paid out to the people who are on retirement, and there is a slight excess at the moment. It just happens to match up with what we called the surplus last year.

I have never seen an administration squeeze so much political mileage as there has been on the budget surplus. That is not hard to do when folks are promised funding for every popular Federal program, including a few that don't even exist at the moment. Unfortunately, I am unable to look people in the eye and tell them that the budget surplus is America's ''golden calf.'' Not only is it unconscionable, it is simply not true.

These empty promises are how folks get the impression that the budget surplus is based on general revenue. It could be in just a few years, if we only respect and act on what the numbers really tell us, that the current surplus isn't general revenue but actually Social Security receipts. There can be some surplus if we have some discipline. If the Senate adopts the Social Security lockbox amendment, Congress could be debating what to do with true general revenue surplus shortly.

For now, we have a duty to do what is right, preserve Social Security by retiring part of the $5.5 trillion debt and locking out the spending of Social Security money. Even though the economy is strong, I am surprised that so few people are aware that we, as a Nation, are in danger of passing on to our kids and our grandkids a $5.5 trillion debt and a potentially bankrupt Social Security system. Our society has become so tied to the immediate gratification received from spending money that we fail to recognize the danger that looms from this Federal credit card spending.

Congress has no room to talk. Our massive Federal debt and ever-changing demographics will place a tremendous amount of pressure on our young workforce. Future generations deserve the same opportunities we demand for ourselves. Neglecting our responsibility to ensure Social Security solvency for future retirees begs distrust from our kids. We must not leave a financial burden we created for them to repay and no Social Security. If this amendment fails, we will continue to pay 13½ percent of total budget outlays in interest on the Federal debt. That alone amounts to $231 billion that could be used to help preserve Social Security each year.

If this amendment does not pass, over $10 trillion of interest payments over the next 30 years will continue to be paid by taxpayers. Preserving the Social Security program by retiring our debt is the only way to avoid such senseless spending without a major reform. It isn't just Members of the Senate that believe in fiscal responsibility. I encourage the administration to read the testimony of Federal Reserve Chairman Alan Greenspan before the Senate Budget Committee earlier this year. He advises caution in our spending because Federal revenues are not guaranteed and they may fall short of expectations. Rather, we should be aiming for budget surpluses, true budget surpluses, and using the proceeds to retire outstanding Federal debt. That, he said, will help the economy and protect Social Security for a long time to come. That is Alan Greenspan.

This amendment does just what Alan Greenspan said and recognizes real-life economic situations. We are in one of those real-life economic situations now with the war. Senators DOMENICI and ABRAHAM have gone to great lengths to ensure that the pending Social Security lockbox amendment is sound and fair, providing flexible administration. If passed, it would authorize adjustments to the debt limits established for any Social Security modernization legislation that Congress and the administration enacts in the coming years.

I continue to hope that the administration is serious about sensible structural changes to the program itself. In addition, the requirements of this amendment would be suspended during a period of economic recession, as well as for emergency spending and a declaration of war. Most would agree that such situations should not be subjected to statutory debt limitations.

No tricks or gimmicks here. This is upfront fiscal responsibility. By retiring our debt, this amendment would protect the Social Security budget surplus from being spent on non-Social Security programs. It begins an overdue process of paying back the Government creditors and helping the taxpaying workers. Why should the Federal Government be allowed to incur a debt it currently has no intention of paying back? Repayment is the responsible thing to do. It makes sound economic sense.

I strongly support the passage of the Social Security lockbox amendment. I commend the authors for this legislation. Their dedication to preserving Social Security through fiscal responsibility is admirable. I encourage all of my Senate colleagues to vote in favor of this amendment.

I yield the floor and reserve the remainder of our time.

Mr. HOLLINGS. Will the Senator yield for a question?

Mr. ENZI. If it is off your time, yes.

Mr. HOLLINGS. Yes. The distinguished Senator said, as I was coming in, that there was a box of IOUs. How do you think in the Social Security trust fund you got the IOUs?

Mr. ENZI. The Social Security trust fund is lent to the Federal Government and we spend every dime that is lent to us. It is a loan.

Mr. HOLLINGS. That is right. While spending every dime of the trust fund, we reduce the public debt, so that what we have is the unified debt. I have heard the Senator and everybody else say, this time, leave it out of the unified deficit. That is how you bring out the unified deficit, and rather than the regular deficit, and the unified budget; isn't that correct?

Mr. ENZI. No. If you paid the Social Security portion of the debt, you are really taking money out of the bank and putting it right back into the piggy bank. It has to be reloaned. There is no other alternative. Until there is reform on it, there is no other alternative except to loan it out. When it gets loaned out, we spend every penny.

We are not supposed to spend the Social Security money. We are not supposed to be robbing the piggy bank. But that is what happens. That piggy bank, that trust fund, is IOUs. It is money lent to the Federal Government again, and spent again.

Mr. HOLLINGS. That is exactly right. It is a Social Security piggy bank. That is the whole point I am trying to make—the same point the Senator from Wyoming is making—that we have been robbing the Social Security piggy bank, as I show you here, and other banks, incidentally, whereby this year we owe Social Security $857 billion.

Isn't that correct?

Mr. ENZI. That is correct.

Mr. HOLLINGS. Then we apply it using these trust funds to pay down the debt. That is what we have been doing, by any and every other program, whether it is a tax cut, whether it is

defense spending, whether it is disaster in the farm areas, whatever it is. That runs up the debt. When you pay down the debt, you get to the unified deficit.

That is what they have all been bragging about—how the unified deficit has been coming down and we have a surplus. We don't have an actual surplus. We spend $100 billion more than we take in this year—$100 billion more than we take in this year. But yet we say we have a surplus, because it is unified, because we have used Social Security to pay down the public debt.

Mr. ENZI. Absolutely. We have used Social Security, and then we put the money back into Social Security again, and then we spend it again. There has to be some major reform if we are going to have some Social Security money that is actually a trust fund that people will be able to use on their own.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Wyoming is exactly right. We have to do something. That is what we did. We say this charade has to stop. We are really looting Social Security while we say we are trying to save it. As a result, we have gotten Social Security into a tremendous debt. We have savaged the fund. Now everybody comes to say they want to save Social Security.

That's why I put in the bill S. 605. We will introduce it. I ask unanimous consent to have it printed in the RECORD as if delivered right now.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Social Security Fiscal Protection Act of 1999''.

SEC. 2. OFF BUDGET STATUS OF SOCIAL SECURITY TRUST FUNDS.

Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 3. EXCLUSION OF RECEIPTS AND DISBURSEMENTS FROM SURPLUS AND DEFICIT TOTALS.

The receipts and disbursements of the old-age, survivors, and disability insurance program established under title II of the Social Security Act and the revenues under sections 86, 1401, 3101, and 3111 of the Internal Revenue Code of 1986 related to such program shall not be included in any surplus or deficit totals required under the Congressional Budget Act of 1974 or chapter 11 of title 31, United States Code.

SEC. 4. CONFORMITY OF OFFICIAL STATEMENTS TO BUDGETARY REQUIREMENTS.

Any official statement issued by the Office of Management and Budget or by the Congressional Budget office of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices, shall exclude all receipts and disbursements under the old-age, survivors, and disability insurance program under title II of the Social Security Act and the related provisions of the Internal Revenue Code of 1986 (including the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund).

SEC. 5. REPOSITORY REQUIREMENT.

Notwithstanding any other provision of law, throughout each month that begins after October 1, 1999, the Secretary of the Treasury shall maintain, in a secure repository or repositories, cash in a total amount equal to the total redemption value of all obligations issued to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund pursuant to section 201(d) of the Social Security Act that are outstanding on the first day of such month.

Mr. HOLLINGS. Mr. President, that is drawn up with the counsel of the Social Security Administration whereby we do exactly what the distinguished Senator from Wyoming would like to do. We get the interest. We allow the Government to buy our Social Security moneys and give us the Treasury bills. Then each month, at the first of the month, we transfer that same amount of money back into a trust fund to be spent on Social Security, and only Social Security.

I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, today the Senate is debating the so-called Social Security lockbox. This is legislation that was intended to protect the Social Security surpluses. Unfortunately, it failed.

Throughout my tenure in the Senate, as a member of the Senate Budget Committee and the Senate Finance Committee, I have done my level best to support balancing the budget without counting Social Security surpluses and to protect those surpluses.

That is why I was looking forward to this debate. I was hoping we were going to have a chance to really engage in a discussion about how to protect Social Security—to go through the normal legislative process, to offer amendments, to have votes and to let Senators decide the outcome.

Unfortunately, the advocates of this particular approach apparently are so insecure about their approach that they won't permit any amendments. They don't want a debate. They do not want votes to decide the outcome. That is unfortunate.

But I think it speaks volumes about the weakness of their position. It seems incredibly ironic to this Senator that a bill whose sponsors say is designed to protect Social Security actually puts Social Security benefit payments at risk.

Let me repeat that.

This bill which is advertised to protect Social Security actually puts Social Security benefit payments at risk.

That is not just the view of this Senator. That is the view of the Secretary of the Treasury, who has the responsibility for making Social Security payments. The Secretary of the Treasury, Mr. Rubin, in a letter dated yesterday, wrote in part:

> Our analysis indicates that this provision could preclude the United States from meeting its financial obligations to repay maturing debt and to make benefit payments—including Social Security checks—and could also worsen a future economic downturn.

The Secretary of the Treasury says this bill is the wrong way to protect Social Security.

Interestingly enough, it is not just the Secretary of the Treasury who says that and has reached that conclusion. We also have a letter from the Chairman of the Ways and Means Committee in the House of Representatives, Chairman ARCHER. Chairman ARCHER in a letter to the Chairman of the Budget Committee in the House of Representatives, dated April 9, says:

> One has only to read the arguments presented in the March 17, 1999, letter from Secretary Rubin to appreciate the dire consequences always presented during a debt limit crisis—disruption of Treasury bond management and worldwide financial markets, doubts about making government payments including Social Security benefits, and raising borrowing costs to the taxpayers—and why Congress always votes to raise the limit.

Chairman ARCHER, the Republican Chairman of the Ways and Means Committee in the House of Representatives that has jurisdiction over this issue, says in conclusion in his letter:

> I see no need to enact limits, even if merely advisory, that do not directly protect the Social Security surplus and re-ignite the debt limit controversy that proved so bitter and futile for everyone four years ago.

That is the Chairman of the Ways and Means Committee in the House of Representatives warning that this legislation is not the way to protect Social Security.

Instead, he says:

> In my view, strict budget enforcement measures are the most effective way to control spending. To reduce debt, the President and the Congress, like every American household, must commit themselves to spending constraint.

The Chairman of the Ways and Means Committee is exactly right. The Secretary of the Treasury is exactly right. We are pursuing an illusion here. It is an attractive illusion. It is an illusion that suggests if we just will adopt it, that it is going to save Social Security. Unfortunately, it will not.

I would really like to know what the sponsors of this legislation are so afraid of. Why have they, through a contorted plan, blocked anybody from offering an amendment? Why do they want to prevent Senators from voting on alternatives? Why? Because they are afraid of the results. They are

afraid they would lose in the cold, hard light of day. They fear that if we have a real debate out here about options and alternatives that their alternative wouldn't hold up.

What is there to fear by having votes right here on the floor of the Senate, and deciding this issue the way we decide all others? Why have they gone through their contorted legislative process, this legislative scheme, to prevent people from voting their conscience? I think it is because they know they have a plan that does not hold up.

I think you really have to wonder. Are they really interested in protecting Social Security, including its trust funds and benefit payments? Or do they just want a quick vote on a bill whose provisions can't withstand scrutiny?

Mr. President, I think we should subject this legislation to scrutiny just as we do other legislation. If we do, we will see that instead of protecting Social Security, this legislation endangers Social Security, while risking more Government shutdowns and default on our obligations.

Mr. President, the lockbox that has been offered here today creates limits on publicly-held debt that are supposedly enforceable with 60-vote points of order.

I strongly support the goal of paying down publicly-held debt. But creating supermajority points of order against raising the debt limit won't accomplish that goal. The ability of the Federal Government to pay down publicly-held debt is created through tough fiscal decisions, decisions to control spending, decisions not to squander the surpluses that are projected to occur over the next 10 years.

If Congress fails to make those tough decisions and spends the surpluses, debt will rise. Creating a debt crisis at that point in time is too late. At that point, the Federal Government has obligations it simply must meet.

Interestingly enough, Chairman ARCHER agrees with me on this point as well. He says:

> . . . debt limits have a long history of failure in preventing spending and deficits. Hitting a debt limit, like a credit card limit, merely represents the consequences of government spending already approved by the President and Congress.

So these new limits on debt could preclude the United States from meeting its future financial obligations to repay debt and to honor its commitments. They would produce permanent damage to our credit standing. The debt obligations of the United States are currently recognized as the most creditworthy of any investment in the world. It is in our interest to maintain that standard. Even the appearance of risk would impose significant additional costs on American taxpayers.

I think we all remember November of 1995. A debt crisis was precipitated when Government borrowing reached the debt limit; two months later, in January, Moody's, the credit-rating firm, placed Treasury securities on review for possible downgrade. It is absurd to put us back in that position—endangering the credit rating of the United States to supposedly protect us against rising debt, when this legislation doesn't do that.

In addition to the damage that can be done to the U.S. credit rating, this lockbox also puts Social Security benefit payments at risk, as I have indicated before. Again, that is not just my opinion, it is the opinion of the Secretary of the Treasury who has the responsibility to make those payments. It is the opinion of the Chairman of the Ways and Means Committee in the House of Representatives who has jurisdiction over these issues.

The point is simple: during a debt crisis, the Treasury Department has no ability to prioritize the payment of Government benefits that are coming due. If Congress cannot raise the debt limit, Social Security benefits cannot be made.

The sponsors of this lockbox claim they have addressed this problem in their legislation. They say they have directed Treasury to give priority to Social Security payments. Unfortunately, the Treasury Department has no ability to do that now. If the Treasury Department runs out of borrowing authority and has no cash coming in, prioritization of payments won't help anyway. The Treasury would have no ability to pay Social Security benefits that are due. Using the debt limit as a fiscal policy tool is bad policy. It directly places at risk the benefit payments to Social Security recipients.

These are not the only shortcomings of this legislation. Another of the serious problems with the legislation before the Senate is that it risks creating longer and deeper recessions than our economy might otherwise experience.

I am concerned about the economic and fiscal impact these debt limit targets could have on the economy during a time of recession. I believe these limits would require the Federal Government to take the wrong actions during recessionary periods, making recessions more severe and negating the stabilizing counter-cyclical tools the Federal Government can use during times of recession.

Sometimes I wonder if we learn from the past. Sometimes I wonder if we are not condemned to repeat the unfortunate experiences of the past because we don't learn those lessons. We suffered depression after depression in this country before we finally figured out how to counter the cycle of recession and depression. What this legislation could do is take away those tools at the very time they are most needed.

This lockbox legislation requires the Federal Government to hit a debt limit target on May 1 of each year. Throughout the year, the debt target could not be exceeded. During years when we are heading towards the trough of the business cycle, revenues grow more slowly because more people are unemployed and expenditures for programs like unemployment insurance and food stamps rise. When those two things happen, the deficit gets larger and the Treasury has to issue more debt. Under this proposal, the Treasury couldn't issue more debt. At that point, the lockbox would become a noose on this economy, making the recession worse, requiring the Congress to either raise taxes or cut spending at precisely the wrong time.

That is economic folly. It is at that very time that the counter-cyclical tools ought to be used to lessen the recession, to prevent depression. That is what our economic history teaches. We should not forget the lessons so bitterly learned.

Our friends advocating this legislation say they have included an exception for recession in their lockbox. The problem is, it won't work. The exception allows the debt limit targets in the lockbox to turn off if the U.S. economy experiences two quarters of real GDP growth that is less than 1 percent.

This chart shows a few examples of recessions over the last 20 years to see what would have happened had this legislation been in place. For example, the recession of 1981–1982 lasted from July of 1981 to November of 1982. The chart shows what was happening with economic growth during that period. The recession began back in July of 1981. But the trigger under this lockbox legislation would come nine months after the recession had already begun. It chokes off the counter-cyclical tools needed for the first nine months, guaranteeing a deeper recession and perhaps even plunging this economy into depression.

This is truly dangerous legislation. It should not be passed. We have the Secretary of the Treasury warning, ''Do not pass this legislation;'' we have the Republican chairman of the House Ways and Means Committee warning, ''Do not pass this legislation.'' What is wrong with those who continue to advocate, in the face of those warnings, legislation that will not protect Social Security, that will endanger it, that further endangers plunging this economy into a worse recession or perhaps even a depression in a time of economic downturn—especially when we have alternatives that we know will work.

Those alternatives can't be considered because the advocates of this legislation have engaged in a legislative scheme to prevent amendments, to prevent the consideration of alternatives. What a way to legislate.

If we look at another example, the recession of 1973–1975, we see the quarterly economic growth fluctuated greatly. That recession lasted from November of 1973 to March of 1975. The lockbox provided for in this legislation would not have kicked in until January of 1975, when the recession had been going on for more than a year. We can see on the chart why that is the case. The recession started back in

1973. We can see economic growth fluctuated back and forth—growing, falling; growing, falling. It would have only been late in the recession that this lockbox legislation would have allowed the counter-cyclical policies of the Government to come into play. This legislation simply does not work. This data shows that a recession in the U.S. economy will very likely precipitate a debt crisis, despite the exemption provided in the lockbox.

These are not the only defects of this legislation. There is another major problem with the lockbox that is before us, because there is something not included in the lockbox. Medicare is not included in this lockbox. Not one penny of non-Social Security surpluses is included in this lockbox, not one penny. Medicare is under more severe fiscal pressure than Social Security, but Medicare has been left out. Why? Because our friends who are the advocates of this proposal prefer to use the surplus for a tax break scheme. They prefer a tax break scheme, so they do not guarantee one penny of the non-Social Security surplus for Medicare.

We have an important decision to make. Do we use the non-Social Security surplus in a tax cut scheme that will provide the greatest relief for the wealthiest among us? Or do we save the Social Security surpluses for Social Security, extend the solvency of Medicare, and still provide room for targeted tax relief and high-priority domestic needs like education, agriculture, health care, and defense? To me, the choice is absolutely clear; we must honor our commitments to the seniors of America.

That does not mean we do not need to reform Medicare; obviously we do. I think everybody understands we need to take action to put Medicare on a more sound financial footing, and I have voted consistently in the Finance Committee to do that. But we must also ensure that whatever we do to put Medicare on a more sound financial footing also preserves affordable access to high-quality health care for our senior citizens.

Responsible Medicare reform will be much more difficult if we do not provide additional resources to Medicare during this time of severe pressure, because of the demographic changes in this country. The very real pain the balanced budget act of 1997 is already causing suggests to me that making additional cuts of hundreds of billions of dollars over the next 10 years in Medicare, without providing additional resources, would be irresponsible. That is why the lockbox I have supported protects Social Security and Medicare.

Senator LAUTENBERG and I have an alternative lockbox that really does protect Social Security, that does protect Medicare, that does pay down the Federal debt even more aggressively than what our friends on the other side of the aisle are proposing, that does provide room for targeted tax relief and for high-priority domestic needs like education, agriculture, health care, and defense.

Our Social Security and Medicare lockbox creates supermajority points of order against any legislation that does not save the entire Social Security surplus in each year and does not save at least 40 percent of the non-Social Security surplus for Medicare. Our lockbox is enforced with points of order and sequestration. It is not enforced through the debt limit. It follows the advice of the Secretary of the Treasury, Mr. Rubin. It follows the advice of the Chairman of the Ways and Means Committee in the House of Representatives.

Our amendment provides a remedy if Social Security surpluses are spent—across-the-board cuts in other programs. That is a real defense of Social Security. That is something we know works. Our amendment also adds a new supermajority point of order against a budget resolution that violates the off-budget treatment of Social Security. Our amendment reserves $65 billion for Medicare over the next 5 years, and $376 billion over the next 10 years. After passage of comprehensive Social Security and Medicare reform, our alternative provides $385 billion over the next 10 years for targeted tax relief and for high-priority needs like education, agriculture, health care, and defense. And our amendment reduces publicly-held debt by $300 billion more than the Republican lockbox. It protects Social Security, the surpluses and the benefit payments, and it provides additional resources for Medicare.

That is the type of lockbox the Senate should approve. I hope we have an opportunity to consider this alternative. But under the current legislative structure we will not, because the advocates of the legislation before us do not want an alternative considered. They do not want any amendments. They do not want any alternatives. They do not want to give Senators a chance to choose. They want it their way or no way.

Mr. ABRAHAM. Will the Senator yield for a question?

Mr. CONRAD. I have ended my presentation. I will be happy to respond to a question.

Mr. ABRAHAM. If the Senator will yield, perhaps I will seek time.

Mr. CONRAD. I yield.

The PRESIDING OFFICER (Mr. ROBERTS). Who yields time?

Mr. ABRAHAM. Mr. President, I will in a moment yield to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, just a quick response. The cloture vote which we will be having is cloture on the amendment. It is not cloture on the bill. If we were able to invoke cloture, then we would go to a vote ultimately on this amendment. But assuming that amendment was then dispensed with, either by passage or failure in a final vote, the bill itself would remain on the floor subject to other amendments which could include, of course, the ones that have been alluded to by the Senator from North Dakota and a variety of other people; the Senator from South Carolina has talked about his approach; and so on.

Our goal is simply to get a vote on this amendment, and then we can consider other options after that. So I want to clarify this for all Senators. This is a vote on cloture on this amendment. It is not cloture on the bill, so the bill would still be subject to other amendments if and when we dispense with this.

At this time I yield such time as he may need to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I thank our colleague for clarifying that.

When our colleague says he doesn't get a chance to present his proposal—obviously, being in the majority, we have the opportunity to present bills and the majority leader has the right to offer amendments first. We have offered our proposal and we are trying to move toward the passage of a bill. But the amendment of the Senator would be in order if it was relevant to the underlying bill—actually, even if it were not relevant it would be in order—after we had completed action on the amendment by the majority leader. So that part of the argument simply will not hold water. But that makes it parallel to every other part of the argument, since none of it will hold water.

What our colleague has said and what we are hearing here is basically this: That a lockbox is a bad, terrible, destructive, dangerous idea that could cause a recession or a depression and be catastrophic for America. That is argument No. 1. But argument No. 2 is: If you want to do it, we have a better way of doing it and ours will do all these things better.

If logic could speak for itself on the floor of the Senate, it would scream at the torture that it is being put to here. What we are seeing here is very simply the President being called on a commitment he has made, and the President was not telling the truth when he made the commitment, and he desperately does not want to have to live up to it. Those are strong words and I would not say them if I could not back them up.

Here is the reality of where we are. In 1993 Social Security took in $45 billion more than it spent in benefits, and under the Clinton administration and the Congress every penny of that $45 billion was spent on something other than Social Security.

In 1994, Social Security took in $56 billion more than it paid out in benefits, and under the Clinton administration and the Congress every penny of that $56 billion was plundered and spent on something else.

In 1995, $62 billion was taken in in Social Security taxes above the amount

we needed to pay benefits, and every penny of that $62 billion was plundered and spent funding other Government programs.

In 1996, it was $67 billion that was plundered.

In 1997, it was $81 billion that was plundered.

In 1998, the President said, ''Save Social Security first; don't spend a penny of this surplus on Government programs; don't give a penny of it back in tax relief.'' Everybody remembers the President saying that. But in 1998, we spent $30 billion of the $99 billion that Social Security took in above the amount it needed to pay benefits.

The plain truth, despite all this talk about saving the Social Security trust fund, is we have consistently spent the money that came into the trust fund on other Government programs.

Let's get one thing clear from the language. Nobody is talking about saving Social Security here. To save Social Security, you have to have a program to replace all these IOUs with wealth. You have to have a program to replace all this debt with investment.

As you will remember, when the President said, ''Save Social Security first,'' he was going to study the problem for a year. He studied it for a year. Then he had a big meeting down at the White House, which I and many others here attended. We were waiting for some proposal from the President. What we got was a political copout which, for all practical purposes, did nothing and it continued plundering the Social Security trust fund.

Senator DOMENICI has come up with a very simple program. It has not saved Social Security. It does not deal with the huge financial liability in Social Security in the future. What it does is it tries to prevent us from taking the Social Security surplus and spending it on something else, something that many of our colleagues desperately want to do, but they do not want people to know they want to do it.

How does the Domenici proposal work and the proposal that has been refined by Senator ABRAHAM? What the Abraham-Domenici proposal does is this: It sets the amount of money that the Government can borrow each year so that the Social Security surplus has to be used to buy down the Government debt, so that the Social Security surplus cannot be spent, and so that it cannot be used for tax cuts.

The proposal before us is not very complicated, despite all the cloud of rhetoric and doublespeak. The proposal before us is very, very simple. It says that next year, we are going to be taking in $138 billion of surplus in Social Security, so that we want to set the amount of money the Government can borrow without having to vote on borrowing again, such that none of that $138 billion can be spent.

That is pretty simple. If it is spent, what we will have to do is have a vote in the Senate where someone will have to get 60 votes in order to plunder that money from Social Security.

This is not unlike what families do when they sit around the kitchen table and get out their pencil and on the back of an envelope and set out a budget and say: I want to save this much money, and we are setting this limit on the amount of money that we can spend because we want to use this money to pay off some of the debt we have, or we want to use this money to send our children to college or buy a new refrigerator, go on vacation, or whatever they want to do.

In response to our proposal to prevent the Social Security surplus from being spent or used for tax cuts, for that matter, since our colleague launched off on that program, what do our Democrat colleagues say, and what does the administration say? They say, if you do not leave the law as it is so we can plunder the Social Security surplus, we could have a recession. They say: If you don't allow us to plunder the Social Security surplus, the creditworthiness of the Government could be lowered because we could have trouble borrowing money. In essence, they are saying that the financial world, the prosperity of America, the creditworthiness of the Federal Government will all come to an end if we do not let the Federal Government steal money from the Social Security surplus.

It seems to me if we are talking about the creditworthiness of the Government, in terms of its credibility with working Americans, that the way we get real credibility in the Government is to stop stealing the Social Security surplus.

In terms of the Secretary of the Treasury saying we are doing it the wrong way, the reality is, they do not want to do it any way. If they have a better proposal, let's see it. If it is enforceable, let's consider it. If they are willing to set out a procedure which strengthens our ability to stop stealing money from the Social Security trust fund, I would like to get a chance to look at it.

Let me tell you, the reality is that the opposition to the proposal by Senator ABRAHAM and Senator DOMENICI is, they do not want to stop stealing from the Social Security trust fund, so they create this giant ruse that somehow the Treasury will not be able to operate if it cannot take money out of the Social Security trust fund; that we are going to have a recession if we cannot take money out of the Social Security trust fund. Any legitimate concern about the flexibility of the Treasury in borrowing, we have said from the beginning we are willing to work on. Any flexibility they need in dealing with short-term cash problems, we are willing to work on. But what we are not willing to negotiate away is a commitment to stop this plundering of the Social Security trust fund. That is what this issue is about.

The President's budget this year, and I have the budget right here, if we do everything the President proposes to do, most of which we are not going to do, it says he will take $42 billion out of the Social Security trust fund this year and spend it on other things. We believe that is wrong. We do not believe the Social Security trust fund should be spent on other Government programs.

What we are trying to do with this lockbox is to guarantee that none of this Social Security money is spent and none of this Social Security money is used for tax cuts; that the money is used, until we decide how we are going to fix Social Security, to simply buy down the Government debt.

The amazing thing to me is that this is exactly what the President says he wants to do. It is exactly what our Democrat colleagues say they want to do. But when we try to put teeth in it and make it enforceable with a supermajority vote, suddenly they do not want to do it. Suddenly, when we try to make it enforceable, they say, ''Well, we could have a recession; the Federal Government could lose its creditworthiness and its ability to borrow.''

What does it tell you when the President says, ''Save Social Security first, don't spend the surplus, don't give it back in taxes''; when our Democrat colleagues say, ''Save Social Security, don't spend the surplus, don't give it back in taxes''; and then we have two of our Members, Senator ABRAHAM and Senator DOMENICI, come forward with a proposal that actually does what they say they want to do, and not only does it, but would require 60 votes in the Senate, rather than 51, in order to actually violate the commitment. In other words, the difference here is, we are not talking about words, we are not talking about rhetoric, we are talking about a real lockbox program.

A real lockbox program is put forward that would require a supermajority vote in order to plunder the Social Security trust fund. Then, all of a sudden, the President does not want to do what he told us he wanted to do.

All of a sudden, our Democrat colleagues have all kinds of concerns: We are going to have a recession; we are going to destroy the creditworthiness of the Federal Government; prosperity as we know it is going to come to an end—if we stop the Federal Government from plundering the Social Security trust fund. It would lead one to believe that they did not mean it when they said it.

We are all in agreement if we say do not plunder the Social Security trust fund. If we held up our hands here, 100 Members would say do not plunder the Social Security trust fund. But when two Members come forward with a program to really prevent it from being plundered, then all of a sudden we do not agree anymore. I know these issues get confusing, but I think people are going to have to make a judgment here as to who is serious about protecting the Social Security surplus and who is not.

We have a proposal to stop the plundering of Social Security by simply requiring that the debt be bought down

by the amount of the surplus and that if you do not do that, you have to get 60 votes in the Senate; in other words, you have to prove that something extraordinary happened to convince 60 Members of the Senate to go back on their word. That is all this bill does. It is not complicated.

If you do not want to do that, it suggests to me that you were not serious to begin with, that you did not mean it when you said, ''Save Social Security first,'' that you did not mean it when you said, ''Don't plunder the Social Security trust fund.''

We know the President did not mean it because in his budget he plunders $42 billion right here in black and white. The question is not, Was the President being straight with the American people? We know he was not. The question is, Is Congress being straight with the American people when we say we are not going to do it?

If our Democrat colleagues have a better way to do this, I would like to see it. I do not believe we have any monopoly on wisdom. But the plain truth is, I do not believe everybody wants to stop plundering the Social Security trust fund. I believe there are people who want to continue to plunder it. And I think that is what this debate is about.

Let me run over some of these issues.

''It is risky to stop stealing from the Social Security trust fund.'' That is what our colleagues say. I think it is risky to continue to steal from the Social Security trust fund because when the baby boomers start to retire, unless we begin to invest this money, there is no way we can pay benefits, and we are going to have to raise the payroll tax or cut benefits. So our colleagues say it is risky not to steal the trust fund. I say it is risky to continue to steal it.

They say using the debt limit as a policy tool is dangerous. Well, what other tool do we have? They act as if we are just simply robots—that every time the President goes out and spends money, that when the bill collector is knocking on the door, all we do is just pay out the money and go on about our business. That is not the way America works.

When the bill collector comes and knocks on the door of the modest dwellings of working men and women in America, they do have to pay the bill collector. But they do not just keep merrily going along their way. They sit down, get out their credit cards, get out the butcher knives, cut up the credit cards, they write out a budget, they have a ''come to Jesus'' meeting at the kitchen table, and then they start again.

What we are trying to do in Government with this amendment is nothing less than what Joe and Sarah Brown do on the first day of the month every month that comes along; and that is, set out priorities and set some kind of limit on our spending. If we cannot use the debt collector being at the door to do something about spending and plundering the Social Security trust fund, what can we use? If you do not get alarmed when the bill collector is knocking on your door, you are going to end up going bankrupt. Now is the time, when the bill collector is at the door, to try to change the way we are doing business. That is all this bill does.

As far as the suggestion that if we try to prevent stealing from the Social Security trust fund, we are going to have a recession, I mean, please, it is one thing to try to confuse people, it is another thing to insult their intelligence. How can reducing Government debt cause a recession? How can stopping stealing from the trust fund send the economy into a tailspin? Exactly the opposite is true.

Now then, the final bromide, unimaginable suggestion is, ''Well, what about Medicare? They are solving the Social Security problem, but they're not solving the Medicare problem.'' There are a lot of problems we are not solving here. This bill does not bring peace in Kosovo either. This bill does not stop violence in our schools either. This bill does not make people love their families and pay their bills either. This bill does not make people feel good about themselves in all cases either. But the bill does not claim to do all those things.

Why don't we solve the Social Security problem today, and then start working on Medicare? But to suggest that there is something wrong with this bill because it only stops plundering from Social Security and that we have not fixed the Medicare problem—we can always find something we have not done, but what we ought to be concerned about is what we are doing.

There is no surplus in the Medicare trust fund. Medicare is a very different program from Social Security. But I would like to say that on a bipartisan basis, led by Senator BREAUX, we had a bipartisan majority on a commission that wanted to fix Medicare; and this President, Bill Clinton, killed that effort—killed that effort. So to stand up here and suggest that when Senator ABRAHAM is trying to stop the stealing from Social Security, that there is something wrong because he had not solved the problems of Medicare is absolutely outrageous—outrageous.

Let's solve the problem with Social Security today, and start working on Medicare tomorrow. And, by the way, it seems to me that Senator BREAUX and Senator BOB KERREY and most Members who sit on this side of the aisle are ready to deal with Medicare and the President and most Members who sit on the other side of the aisle do not seem to care.

The next thing is, somehow this has to do with tax breaks for the rich. Our colleagues can never debate an issue without engaging in class warfare. They can never debate an issue without saying somehow this is helping the rich: ''If you stop stealing from the Social Security trust fund, you are helping the rich. If you let people keep more of what they earn, you are helping the rich.'' Of course, whenever they are raising taxes, they are taxing only the rich, even if the rich make $25,000 a year.

The point is, this bill has absolutely nothing to do with tax cuts for the rich, the poor, or the people in between. In fact, this bill says that the Social Security surplus cannot be used for tax cuts. And to suggest that somehow, by locking away the Social Security trust fund, and not letting it be plundered either to spend, which is the real danger, or to be used for tax cuts, that somehow to suggest that helps rich people, what it does is it helps the creditworthiness of the Government and it puts us in a position to fix Social Security.

But the idea that this somehow helps the wealthiest among us—anytime the Democrats do not want to do something, always their excuse is, the wealthiest among us are going to benefit. ''If we do not keep plundering the Social Security trust fund, the wealthiest among us are going to benefit. If we can't steal that money and spend it on all these programs, the wealthiest among us are going to benefit. Let us keep stealing the Social Security trust fund because, if you don't keep stealing it, the wealthiest among us will benefit.''

I do not know who these people are talking about. The wealthiest among us do not depend on Social Security as much as middle-income Americans depend on Social Security. What does this wealthiest among us business have to do with stealing from Social Security?

Finally, they say they have another way. It reminds me when we were debating a balanced budget amendment to the Constitution and we were one vote short of sending it to the States. We know the States would have ratified it. Our colleagues who were against it and who voted against it and who killed it, they weren't really against it. They just didn't like the way we were doing it. They had other ways of doing it. They had a better program, which by the way contained a limit on debt held by the public, the very mechanism contained in this amendment. They would have done it better than we would have done it. They killed the balanced budget amendment to the Constitution. It failed by one vote. It could have changed American history.

They didn't say they were against it. They are not against the lockbox. They are not against what Senator ABRAHAM is trying to do. They just want to do it differently. They think it is a bad idea and it could cause a recession and it could help the wealthiest among us and it could do all those things, but they want to do it. If you decide you want to do it after they tell you what a terrible idea it is to quit stealing from Social Security, after you have crossed that

threshold, then they say, well, actually we are not against it, but we want to do it a different way. If we took their way, they would be for doing it another way.

The problem is, they are not for it. The problem is, they want to keep stealing this money out of the Social Security trust fund. That is what this debate is about.

The sadness of this whole deal is that instead of debating a legitimate issue, we are engaged in this gigantic ruse to confuse and befuddle the American people. We have a proposal before us that is very simple. It says we are going to collect $138 billion more than we are spending in Social Security, and we do not want any of that money spent. So we are going to adjust the amount of money Government can borrow and force that $138 billion to be used to reduce the indebtedness of the Federal Government. That is what this amendment does.

But rather than our colleagues standing up and saying, no, we do not want to do that because we want to spend part of that money on other things, instead of standing up and saying, here is what we want to spend it on, we want to spend it on A, B, C, D, and E, and these are all vitally important and it is worth stealing the money from the Social Security trust fund to fund it, rather than standing up and saying that, they say you are going to cause a recession. You are going to destroy the creditworthiness of the Federal Government. You are going to help the richest among us. The richest among us are going to benefit if you don't steal from the Social Security trust fund.

Maybe the American people are confused or maybe with all the terrible things that are happening in the world today, maybe they do not care. But it seems to me that we can't have a meaningful political dialogue when we do not debate the issues that are before us. If you are not for preventing the Social Security trust fund from being spent for other things, stand up and say it. But this tortured logic that if you really force the money to be used to buy down the debt of the Federal Government, you are risking a recession or you are helping the richest among us or that if you decide to get through all that, well, but there is a better way to do it, they could do it in a better way if we just let them do it, I wish for once we could have a straightforward debate. Do you want to stop taking this money out of the Social Security trust fund and spend it on other things or not? Yea or nay. Yes or no. Black or white. But you know why we are not having that debate—because our colleagues have already said they want to do this. The President has already said he wants to do this. He has urged us to do it.

What is the difference between what they are saying and what Senator ABRAHAM is doing? The difference is simple. They are saying it, and he is doing it. The difference is, they are getting the rhetoric right; he is getting the program right. The difference is, they are saying don't spend it, don't use it for tax cuts, use it to pay off debt. The problem they have is that the Abraham amendment actually pays the debt off, and it would force the Federal Government to get a supermajority vote in order to violate that principle.

If you say you are for something and then somebody has a way of doing it and you vote no, what does it mean? Well, to finish and yield the floor, what it means is, you weren't serious when you said it to begin with.

The debate here is between people who do want to pillage the trust fund and those who do not. It is that simple.

Using this to buy down debt does not solve the Social Security problem, but we have in this amendment the vehicle that would let us use this money we are saving to solve the Social Security problem, if we could reach a bipartisan agreement. But we can't solve it if we don't have the money, and if we don't do something very much like the Abraham amendment has proposed, we are going to end up spending this money.

Do you want to spend the money or do you want to see it buy down debt? If you want to buy down debt, support the Abraham amendment. If you don't, vote no but say so. I think that is really what the debate is about.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Texas said we ought to have a good political debate, and he allows me to make a good political debate in that he made it political talking about Democrats and taxes and the wealthy.

The truth of the matter is, that is how the economy got this way, outstandingly good, in that we taxed the wealthy back in 1993 on Social Security. It was that gentleman, the Senator from Texas, who said they are going to be hunting us down in the street and shooting us like dogs.

He raises these strawmen. Another strawman—I am going to use his text; I wouldn't say these things if I couldn't back them up—he says, the trouble here is that we feel that a lockbox is a dangerous thing.

That is exactly what he said back in July 1990. I made the motion on the Budget Committee and we voted 19 to 1 for a lockbox, bipartisan except for one. It was the distinguished Senator from Texas who said it was a dangerous thing. But we went ahead, passed it in the House and Senate, and President George Bush, on November 5, 1990, signed that lockbox into law. That lockbox is part of the amendment of the majority leader and the Senator from Michigan. Look on page 3. You see they reiterate 13301, but on page 10 they take it away.

The distinguished Presiding Officer heard me tell about that insurance company slogan that ''Capital Life will surely pay, if the small print on the back don't take it away.''

My Republican colleague talked about how we always get into a wealth argument. They get into any and every effort to get rid of Social Security. They don't like it. In 1964, I remember, in the Goldwater campaign, they were going to abolish Social Security. In 1990, I finally got the Senator from Pennsylvania, Mr. Heinz, to agree with me, and he changed around the mindset. I wish we had him here now and in the caucus to straighten out this nonsense, because what they are doing is exactly what they are not doing. They guarantee that every dime that is spent is going to be spent on either tax cuts or other spending rather than Social Security, when you pay down the debt. That is what they are saying.

How is the debt caused? The debt is caused by spending too much. Spending too much on what? Any and every program. It could be defense. It could be Kosovo. It could be food stamps. It could be foreign aid. It could be law enforcement. But when you spend too much, you have a debt.

We haven't spent too much on Social Security. That is one particular point on which I agree with the distinguished Senator from Texas. When he says, plundering, plundering—I use the word ''loot''—we can just say: Trust funds plundered in order to give that balanced budget, that unified budget, that unified debt—you don't hear that word—that is the same thing as paying down the public debt.

So, yes, we plundered Social Security for $857 billion, and we plundered military retirement, civil retirement, unemployment, highway, airport, and even Medicare, and we have been violating our very doctrine, making it a criminal penalty to use trust funds, pension funds, to pay the company debt. That is the Pension Act of 1994. I know the distinguished Presiding Officer—he and I ended up talking about Denny McLain. I won't have to say that again. I can tell you now what we say in the private economy is, if you use the company pension fund to pay down the company debt, it is a felony. But it is good Government up here.

But back to my poor Republican friends. Not only '64 and '90, but in '93 we got to the balanced budget amendment and we said, gentlemen, on the other side of the aisle, I will vote for you on a balanced budget amendment to the Constitution if you do not plunder Social Security. It is section 7, on page 5—I remember it well—where they said, no, we have to still plunder it. They could have gotten a group of us Senators on this side of the aisle, but they demanded to plunder Social Security. Then, Mr. President, right on up to the present date, read what they say. They say that the surplus shall not be used for non-Social Security

spending or tax cuts, but then when they say it uses the Social Security surplus to reduce the debt, that is exactly what it does.

The distinguished Senator from Texas says there is no plan here to save Social Security or make up for its debt. Why don't we say, use the Social Security surplus for only Social Security purposes, namely, pay down the $857 billion we owe it? They don't come and say that, Mr. President, no siree. They just demand, at every particular turn, that we get rid of it and now they want to privatize it. I refer, of course, to the particular language in section 202 of the budget resolution that they just brought in here as a group. This says that when the Committee on Ways and Means of the House and the Finance Committee in the Senate gets a conference report submitted that enhances retirement security—that is nebulous; they think it is enhanced when they savage it, plunder it—through structural programmatic reform, the appropriate chairman of the Committee on the Budget—that means Mr. KASICH on the House side and Mr. DOMENICI on the Senate side—they can do anything: increase the appropriate allocations and aggregates of the budget authority; they can adjust the levels to determine compliance with pay-as-you-go, which in essence repeals the pay-as-you-go provision; and they can reduce the revenue aggregates.

What does it mean? You have to call New Mexico and find out from the Senator from New Mexico what it means. That is what is going to happen. Monkeyshines here is going into the particular amendment.

I can tell you here and now, Mr. President, that this is really a disaster. What we are doing is formalizing spending, spending all the Social Security surplus. At least the President of the United States says he wants to save 62 percent and he is going to spend 38 percent on something else. That is what the President said in his budget. We are going to save 62 percent, but we are going to spend 38 percent on something else.

Do you know what this Republican amendment says? It says we want to make sure we spend 100 percent on something else because it is not for Social Security, it is for the debt. When they use that euphemism ''public debt,'' as I have explained many times, you have an American Express and a Visa card. The Senator from Texas has abandoned Dickie Flats; he has gone to Joe and Sarah Brown. He says when Joe and Sarah Brown sit around the kitchen table and pay their bills—but I can tell you what Joe and Sarah Brown never do: They don't take their Visa card and pay off their American Express. But that's what this amendment does. It says take your Social Security card, the surplus, and pay off the debt of any and every other program or tax cut—100 percent. They formalize what we tried to stop having been done in the law, when we passed the Balanced Budget Act of 1990. This amendment repeals that particular discipline, the pay-as-you-go program. It goes right on down there plundering. That is all it can be used for. It can't be used for Social Security. There, Mr. President, is the fiscal cancer. This Senator has been working on it for years.

I ask unanimous consent to have printed this chart in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

TRUST FUNDS LOOTED TO BALANCE BUDGET

[By fiscal year, in billions]

	1999	2000	2004
Social Security	857	994	1,624
Medicare:			
HI	129	140	184
SMI	39	44	64
Military Retirement	141	148	181
Civilian Retirement	490	520	634
Unemployment	79	88	113
Highway	25	26	32
Airport	11	14	25
Railroad Retirement	23	24	28
Other	57	59	69
Total	1,851	2,057	2,954

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed this budget realities chart.

There being no objection, the chart was ordered to be printed in the RECORD, as follows.

HOLLINGS' BUDGET REALITIES

[In billions of dollars]

President and year	U.S. budget (outlays)	Borrowed trust funds	Unified deficit with trust funds	Actual deficit without trust funds	National debt	Annual increases in spending for interest
Truman:						
1945	92.7	5.4	47.6		260.1	
1946	55.2	−5.0	−15.9	−10.9	271.0	
1947	34.5	−9.9	4.0	13.9	257.1	
1948	29.8	6.7	11.8	5.1	252.0	
1949	38.8	1.2	0.6	−0.6	252.6	
1950	42.6	1.2	−3.1	−4.3	256.9	
1951	45.5	4.5	6.1	1.6	255.3	
1952	67.7	2.3	−1.5	−3.8	259.1	
1953	76.1	0.4	−6.5	−6.9	266.0	
Eisenhower:						
1954	70.9	3.6	−1.2	−4.8	270.8	
1955	68.4	0.6	−3.0	−3.6	274.4	
1956	70.6	2.2	3.9	1.7	272.7	
1957	76.6	3.0	3.4	0.4	272.3	
1958	82.4	4.6	−2.8	−7.4	279.7	
1959	92.1	−5.0	−12.8	−7.8	287.5	
1960	92.2	3.3	0.3	−3.0	290.5	
1961	97.7	−1.2	−3.3	−2.1	292.6	
Kennedy:						
1962	106.8	3.2	−7.1	−10.3	302.9	9.1
1963	111.3	2.6	−4.8	−7.4	310.3	9.9
Johnson:						
1964	118.5	−0.1	−5.9	−5.8	316.1	10.7
1965	118.2	4.8	−1.4	−6.2	322.3	11.3
1966	134.5	2.5	−3.7	−6.2	328.5	12.0
1967	157.5	3.3	−8.6	−11.9	340.4	13.4
1968	178.1	3.1	−25.2	−28.3	368.7	14.6
1969	183.6	0.3	3.2	2.9	365.8	16.6
Nixon:						
1970	195.6	12.3	−2.8	−15.1	380.9	19.3
1971	210.2	4.3	−23.0	−27.3	408.2	21.0
1972	230.7	4.3	−23.4	−27.7	435.9	21.8
1973	245.7	15.5	−14.9	−30.4	466.3	24.2
1974	269.4	11.5	−6.1	−17.6	483.9	29.3
Ford:						
1975	332.3	4.8	−53.2	−58.0	541.9	32.7
1976	371.8	13.4	−73.7	−87.1	629.0	37.1
Carter:						
1977	409.2	23.7	−53.7	−77.4	706.4	41.9
1978	458.7	11.0	−59.2	−70.2	776.6	48.7
1979	503.5	12.2	−40.7	−52.9	829.5	59.9
1980	590.9	5.8	−73.8	−79.6	909.1	74.8
Reagan:						
1981	678.2	6.7	−79.0	−85.7	994.8	95.5
1982	745.8	14.5	−128.0	−142.5	1,137.3	117.2
1983	808.4	26.6	−207.8	−234.4	1,371.7	128.7
1984	851.8	7.6	−185.4	−193.0	1,564.7	153.9
1985	946.4	40.5	−212.3	−252.8	1,817.5	178.9
1986	990.3	81.9	−221.2	−303.1	2,120.6	190.3
1987	1,003.9	75.7	−149.8	−225.5	2,346.1	195.3

HOLLINGS' BUDGET REALITIES—Continued

[In billions of dollars]

President and year	U.S. budget (outlays)	Borrowed trust funds	Unified deficit with trust funds	Actual deficit without trust funds	National debt	Annual increases in spending for interest
1988	1,064.1	100.0	−155.2	−255.2	2,601.3	214.1
Bush:						
1989	1,143.2	114.2	−152.5	−266.7	2,868.3	240.9
1990	1,252.7	117.4	−221.2	−338.6	3,206.6	264.7
1991	1,323.8	122.5	−269.4	−391.9	3,598.5	285.5
1992	1,380.9	113.2	−290.4	−403.6	4,002.1	292.3
Clinton:						
1993	1,408.2	94.3	−255.0	−349.3	4,351.4	292.5
1994	1,460.6	89.2	−203.1	−292.3	4,643.7	296.3
1995	1,514.6	113.4	−163.9	−277.3	4,921.0	332.4
1996	1,453.1	153.5	−107.4	−260.9	5,181.9	344.0
1997	1,601.2	165.9	−21.9	−187.8	5,369.7	355.8
1998	1,651.4	179.0	70.0	−109.0	5,478.7	363.8
1999	1,704.1	215.7	110.5	−105.2	5,583.9	356.3
2000	1,737.0	224.8	133.0	−91.8	5,675.7	349.6

*Hsitorical Tables, Budget of the U.S. Government FY 1998, beginning in 1962 CBO's 2000 Economic and Budget Outlook.

Mr. HOLLINGS. Mr. President, as you pay down the debt—that was the unified—that is how it was going down. That is where they got here this year to talk about a surplus for the first time. But we got together with the Concord Coalition and we got together with Barrons and several other responsible groups and they said there isn't any surplus. This Barrons headline says, ''Hey, Guys, There is No Budget Surplus.''

The only reason they can call it a surplus is because of what they recommend in this amendment, paying down the public debt. That is the unified budget. But in the regular overall budget, the debt continues to increase and increase, and the interest costs continue to increase and increase, and you can't give a tax cut without raising taxes. You can't just cut your revenues without increasing your debt.

We have had all the spending cuts for 8 years of Reagan, 4 years of Bush, 6 years of Clinton. Nobody is recommending around here any cut in spending. The first order of business was $18 billion more for the military pay. The next order of business we are going to vote on is another $6 billion to $10 billion for Kosovo. Everybody is going to support that. So the spending goes up, up and away. We are down to bare bones. Yes, instead of abolishing the Department of Education, now they want to increase spending for education. So we can save, and the Presiding Officer can save, $10 billion or $20 billion; any individual can. But, collectively, as a Congress, we are not going to do it. What happens is that we need revenues in here, and we need to quit playing the game of paying down the public debt.

Our problem is that the White House doesn't know how to run a war and our Republican Congress doesn't know how to run a peace. They come up here with this Mickey Mouse amendment, saying exactly the opposite of what it really provides. They say you can't use it or any spending. You have to use it on all spending but Social Security, because you are using Social Security money. You can't use it on tax cuts, you have to use it for tax cuts. Certainly, you can't use it for Social Security.

Mr. DORGAN. I wonder, will the Senator yield?

Mr. HOLLINGS. I am glad to yield to the Senator from North Dakota for a question.

Mr. DORGAN. Mr. President, I appreciate the Senator yielding for a question. I wanted to note that for, I guess, the seventh year now that I have been here in the Senate, the one consistent voice on this issue has been the Senator from South Carolina. I find it interesting, and I wonder if he sees the same irony as I do, that the very people that now bring us the notion of a lockbox, because they are worried about the Social Security trust fund, were just a few years ago on the floor of the Senate ridiculing the Senator from South Carolina, myself, my colleague from North Dakota, and others, because we said what you want to do with a constitutional amendment to require a balanced budget is to put a provision in the Constitution that says Social Security revenues must be counted not as part of a trust fund, but as part of the ordinary operating revenues of the Federal budget.

In other words, they wanted to put in the Constitution the misuse of the Social Security trust funds and decide that you have a budget surplus only when you have used the Social Security trust funds to get there. So we said no; if you are going to do something in the Constitution about a constitutional amendment to balance the budget, let's at least be honest with the trust funds and say the budget is only balanced when you have not misused Social Security trust funds.

I should have brought the charts. I was thinking about bringing the charts over to read all of the comments that were made on the floor of the Senate about our position at that point.

They have three stages of denial:

First, we are not misusing the Social Security trust funds.

Second, they said but if we are misusing them, we promise to stop.

If we promise to stop, we can't do it for the first 8 years. We will promise to stop 12 years from now.

Those were the three stages of denial when we debated the issue of a constitutional amendment.

But I just find it interesting that those who now say they are the protectors are the ones who are building a lockbox and are the very, very same interests who are on the floor of the Senate saying we should amend the Constitution in a manner that provides that Social Security revenues will be treated like all other revenues of government. It is no protection at all, and they would cement that in the Constitution of the United States. When we objected, they said: You are wrong; this is exactly what we want to do. Now we have this little pirouette on this floor when they come back and say we are the ones who want to protect Social Security.

I just wanted to ask the question if the Senator from South Carolina sees the same irony here, although this amendment doesn't do what it is advertised to do. The Senator from South Carolina is absolutely correct; the rhetoric in support of this amendment is directly in contradiction to the kind of things we heard from that side of the aisle just 3 to 4 years ago.

Mr. HOLLINGS. This the same trickery. It is one grand farce. It is one grand fraud.

So to the lockbox everyone is given the keys, whether you want a tax cut, or spending for a particular program on policy, or otherwise. They are given the key, except Social Security. That is the only crowd that can't spend it. You can spend it for any and everything but Social Security.

I yield the floor.

Mr. KENNEDY. Mr. President, the Republican lockbox proposal is deeply flawed, and does not deserve to be adopted. It does nothing to extend the life of the Social Security Trust Fund for future beneficiaries. In fact, it would do just the reverse. This legislation actually places Social Security at greater risk than it is today. It would allow payroll tax dollars that belong to Social Security to be spent instead on risky privatization schemes. And, because of the harsh debt ceiling limits it would impose, this plan could produce a governmental shutdown that would jeopardize the timely payment of Social Security benefits to current recipients.

It is time to look behind the rhetoric of the proponents of the lockbox. Their statements convey the impression that they have taken a major step toward

protecting Social Security. In truth, they have done nothing to strengthen Social Security. Their proposal would not provide even one additional dollar to pay benefits to future retirees. Nor would it extend the solvency of the Trust Fund by even one more day. It merely recommits to Social Security those dollars which already belong to the Trust Fund under current law. At best, that is all their so-called lockbox would do.

By contrast, President Clinton's proposed budget would contribute 2.8 trillion new dollars of the surplus to Social Security over the next 15 years. By doing so, the President's budget would extend the life of the Trust Fund by more than a generation, to beyond 2050.

There is a fundamental difference between the parties over what to do with the savings which will result from using the surplus for debt reduction. The Federal Government will realize enormous savings from paying down the debt. As a result, billions of dollars that would have been required to pay interest on the national debt will become available each year for other purposes. President Clinton believes those debt savings should be used to strengthen Social Security. I wholeheartedly agree. But the Republicans refuse to commit those dollars to Social Security. They are short-changing Social Security, while pretending to save it.

Currently, the Federal Government spends more than 11 cents of every budget dollar to pay the cost of interest on the national debt. By using the Social Security surplus to pay down the debt over the next 15 years, we can reduce the debt service cost to just 2 cents of every budget dollar by 2014; and to zero by 2018. Sensible fiscal management now will produce enormous savings to the Government in future years. Since it was payroll tax revenues which make the debt reduction possible, those savings should in turn be used to strengthen Social Security.

That is what President Clinton rightly proposed in his budget. His plan would provide an additional $2.8 trillion to Social Security, most of it debt service savings, between 2030 and 2055. As a result, the current level of Social Security benefits would be fully financed for all future recipients for more than half a century. It is an eminently reasonable plan. But Republican Members of Congress oppose it.

Not only does the Republican plan fail to provide any new resources to fund Social Security benefits for future retirees, it does not even effectively guarantee that existing payroll tax revenues will be used to pay Social Security benefits. They have deliberately built a trapdoor in their lockbox. Their plan would allow Social Security payroll taxes to be used instead to finance unspecified reform plans. This loophole opens the door to risky schemes to finance private retirement accounts at the expense of Social Security's guaranteed benefits. If these dollars are expended on private accounts, there will be nothing left for debt reduction, and no new resources to fund future Social Security benefits. Such a privatization plan could actually make Social Security's financial picture far worse than it is today, necessitating deep benefit cuts in the future.

A genuine lockbox would prevent any such diversion of funds. A genuine lockbox would guarantee that those payroll tax dollars would be in the Trust Fund when needed to pay benefits to future recipients. The Republican lockbox does just the opposite. It actually invites a raid on the Social Security Trust Fund.

Republican retirement security reform could be nothing more than tax cuts to subsidize private accounts disproportionately benefiting their wealthy friends. Placing Social Security on a firm financial footing should be our highest budget priority, not further enriching the already wealthy. Two-thirds of our senior citizens depend upon Social Security retirement benefits for more than 50 percent of their annual income. Without it, half the Nation's elderly would fall below the poverty line.

To our Republican colleagues, I say: ''If you are unwilling to strengthen Social Security, at least do not weaken it. Do not divert dollars which belong to the Social Security Trust Fund for other purposes. Every dollar in that Trust Fund is needed to pay future Social Security benefits.''

The proposed lockbox poses a second, very serious threat to Social Security. By using the debt ceiling as an enforcement mechanism, it runs the risk of creating a government shutdown crisis. The Republicans propose to enforce their lockbox by mandating dangerously low debt ceilings. Such a reduced debt ceiling could make it impossible for the Federal Government to meet its financial obligations—including its obligation to pay Social Security benefits to millions of men and women who depend upon them. The risk is real.

The misguided debt ceiling proposal would create a Sword of Damocles which could fall at any time with the slightest miscalculation. If the Congressional Budget Office's economic projections are slightly off, if there is an economic downturn and unemployment rises, if the on-budget surplus is not quite as large as anticipated—any of these events could cause the sword to fall. The proposal is so extreme that it could trigger a shutdown crisis even if the level of debt was declining, merely because it was not declining as quickly as projected. The Government shutdown provoked by irresponsible Republican tactics in 1995 taught us the danger inherent in taking such risks. Yet, the current debt ceiling scheme seems to suggest that the Republican elephant's memory is failing.

There would be many innocent casualties of a new government shutdown. It is ironic that many of those who would be harmed most by a shutdown are the elderly and disabled citizens dependent on Social Security. If the debt ceiling is reached, the government would be unable to issue their benefit checks. The law is very clear. The President would have no discretion. Social Security benefits could not be paid.

The sponsors of the lockbox claim that the legislation protects Social Security benefits by making them a ''priority'' for payment. However, that will not solve the problem. Once the debt limit has been reached, payment priorities will be irrelevant. The debt ceiling will prevent all payments from being made. There will be no money to pay any obligation of the federal government—including Social Security benefits.

Those advocating this harsh bill will also claim that Congress would never allow Social Security recipients to go without their checks for long. However, this bill would require a supermajority to raise the debt ceiling so that the checks could be issued. Getting the necessary votes would take time. I believe even a few days would be too long for us to ask the elderly and disabled to wait. For many Social Security recipients, that monthly check is a financial lifeline. They need it to buy food and prescription drugs, to pay the rent, and for other necessities of life. They can't afford to wait while Congress debates. This legislation, if enacted, would make Social Security recipients potential pawns in a future debt ceiling crisis. That may not be the sponsor's intent, but it could very well be the result. It is fundamentally wrong to put those who depend on Social Security at risk in this way.

The lockbox which proponents claim will save Social Security actually imperils it. As Treasury Secretary Rubin has said, ''This legislation does nothing to extend the solvency of the Social Security Trust Fund, while potentially threatening the ability to make Social Security payments to millions of Americans.''

While this lockbox provides no genuine protection for Social Security, it provides no protection at all for Medicare. The Republicans are so indifferent to senior citizens' health care that they have completely omitted Medicare from their lockbox.

By contrast, Democrats have proposed to devote 15 percent of the surplus to Medicare over the next 15 years. Those new dollars would come entirely from the on-budget portion of the surplus. The Republicans have adamantly refused to provide any additional funds for Medicare. Instead, they propose to spend the entire on-budget surplus on tax cuts disproportionately benefitting the wealthiest Americans.

According to the most recent projections of the Medicare Trustees, if we do not provide additional resources, keeping Medicare solvent for the next 25

years will require benefit cuts of almost 11 percent—massive cuts of hundreds of billions of dollars. Keeping it solvent for 50 years will require cuts of 25 percent.

The conference agreement passed by House and Senate Republicans earmarks the money that should be used for Medicare for tax cuts. Eight-hundred billion dollars are earmarked for tax cuts—and not a penny for Medicare. The top priority for the American people is to protect both Social Security and Medicare. But this misguided budget puts Medicare and Social Security last, not first.

Democrats oppose this ''lockbox'' because we want real protection for Social Security and Medicare. Our proposal says: save Social Security and Medicare first, before the surpluses earned by American workers are squandered on new tax breaks or new spending. It says: extend the solvency of the Medicare Trust Fund, by assuring that some of the bounty of our booming economy is used to preserve, protect, and improve Medicare.

Our proposal does not say no to tax cuts. Substantial amounts would still be available for tax relief. It does not say no to new spending on important national priorities. But it does say that protecting Medicare should be as high a national priority for the Congress as it is for the American people.

Every senior citizen knows—and their children and grandchildren know, too—that the elderly cannot afford cuts in Medicare. They are already stretched to the limit—and often beyond the limit—to purchase the health care they need. Because of gaps in Medicare and rising health costs, Medicare now covers only about 50 percent of the health bills of senior citizens. On average, senior citizens spend 19 percent of their limited incomes to purchase the health care they need—almost as large a proportion as they had to pay before Medicare was enacted a generation ago. By 2025, if we do nothing, that proportion will have risen to 29 percent. Too often, even with today's Medicare benefits, senior citizens have to choose between putting food on the table, paying the rent, or purchasing the health care they need. This problem demands our attention.

Those on the other side of the aisle have tried to conceal their own indifference to Medicare behind a cloud of obfuscation. They say that their plan does not cut Medicare. That may be true in a narrow, legalistic sense—but it is fundamentally false and misleading. Between now and 2025, Medicare has a shortfall of almost $1 trillion. If we do nothing to address that shortfall, we are imposing almost $1 trillion in Medicare cuts, just as surely as if we directly legislated those cuts. No amount of rhetoric can conceal this fundamental fact. The authors of the Republican budget resolution had a choice to make between tax breaks for the wealthy and saving Medicare—and they chose to slash Medicare.

I urge my colleagues, on both sides of the aisle, to reject this ill-conceived proposal. It jeopardizes Social Security and ignores Medicare. It is an assault on America's senior citizens, and it does not deserve to pass.

Mr. ALLARD. Mr. President, I support this effort to wall off the surplus Social Security revenues.

By establishing a lockbox we ensure that all savings in the program are used to build the trust fund and extend the solvency of Social Security.

We learned last year that to leave unobligated money lying around Washington is a bad idea because it gets spent!

This is one of several budget reforms that I have been actively supporting.

First, the budget process is too complicated and frequently abused. I feel it needs to be simplified. This is a step in that direction.

With this provision we can remove the temptation that the Social Security surplus presents to those who tend to spend our money carelessly.

As we search for ways to modernize Social Security, it makes sense to dedicate the Social Security surplus to repaying debt owed to the trust fund. Paying down the debt and modernizing Social Security need to happen together.

It is important to take this issue up now, especially since we have already considered three requests for supplemental spending for this year, totaling $1.36 billion.

These proposals spend the surplus without regard to major budgetary commitments such as Social Security.

I have long been a supporter of debt repayment.

I believe that Federal debt retirement should be a priority when decisions must be made regarding a Federal budgetary surplus. That is why I sponsored the American Debt Repayment Act, which requires repayment of the federal debt.

Likewise, I support the legislation before us today that sets a statutory limit on federal debt held by the public.

We must obligate ourselves to a plan in order to make any progress toward paying down the debt; otherwise, the surplus will most likely invite increased spending.

Consider the impact that debt reduction would have on the fate of Social Security.

We would be making positive changes to ensure the solvency of Social Security for future generations.

We would be making payments on the national debt which is the best way to provide flexibility and a source of funds for changes in Social Security that will modernize it for the generations of the next century.

So long as the federal government carries a $5.6 trillion debt, we cannot tell our children and grandchildren that we have provided for their future.

By enacting this plan we will be helping to preserve Social Security for future generations.

I hope my colleagues will join me in supporting the Social Security lock box to keep the Social Security surplus safe from raids that further threaten the financial condition of the fund.

Mr. ROBB. Mr. President, I rise to announce my position on the cloture petition on the so-called Social Security lockbox legislation before the Senate.

First, let me say that I am disappointed with our Republican colleagues for making this a political issue. The fact of the matter is that both Democrats and Republicans in this body believe that Social Security surpluses should be protected and, absent extraordinary circumstances, should be used to reduce the public debt. Budget resolutions sponsored by both Democrats and Republicans abided by that rule. In essence, then, the legislation presented to us today is designed as little more than a political show vote that will give a basis for claiming that Republicans alone are committed to protecting Social Security while Democrats are not. Nothing could be more disingenuous.

Let me also say that we could use some truth-in-advertising around here. This is not even a true lockbox. There are significant exceptions included in this legislation. No. 1, the so-called lockbox allows for adjustment of its scriptures for emergency spending, with the likelihood that significant defense-related emergency spending will be enacted. As one individual commented, ''if we don't have an on-budget surplus to fund emergencies, then we adjust the debt limits to borrow from the Trust Fund.'' No. 2, it should also be pointed out that the debt limits can also be adjusted for whatever is deemed Social Security reform. That is so open-ended in my view it gives Congress a loophole through which it could easily evade the so-called lockbox altogether.

What concerns me most in this proposal, however, is that it gives the American people the false impression that this is the answer to our fiscal problems. Instead of just resisting the temptation to go on a tax-cutting or spending spree, dealing honestly with solving the long-term funding challenges in Social Security and Medicare, and paying down our enormous debt with the entire surplus, we claim that the lockbox, an artificial mechanism which only commits part of the total surplus to reduce the debt, is the most fiscally responsible thing we can do. What makes this proposal all the more disingenuous from our Republican colleagues is that the large tax cut that they hope to enact threatens most our ability to meet the scriptures of the so-called lockbox.

In the final analysis, this political stunt isn't worth risking the credit worthiness of the United States.

Mr. President, I agree wholeheartedly with the thrust of this legislation that the Social Security surplus

should be used to pay down the publicly held debt, although I would commit the entire surplus to that purpose. My concern is that the proposal before us is nothing more than an attempt to politicize an issue on which we all agree, and that it has the potential to do more harm than good by risking the credit worthiness of the United States.

Mr. LIEBERMAN. Mr. President. I rise today to express my strong opposition to Senator DOMENICI's amendment ''The Social Security Surplus Preservation and Debt Reduction Act''. I supported the original legislation, S. 557, which was reported out of the Committee on Governmental Affairs, and would have provided guidance for the designation of emergencies. But this amendment uses S. 557 as a vehicle to introduce a highly controversial and partisan proposal on Social Security. It also changes an important provision in the original bill regarding emergency designations, in a way that undermines the bipartisan compromise which we had reached in Committee. As Ranking Democrat of the Committee on Governmental Affairs, I will limit my comments to the bill we reported out of committee, and to the reasons I object to the changes made to those emergency designation provisions.

First, I would like to provide some background about why I support the unamended version of S. 557, and how it came to be reported out of the Governmental Affairs Committee. Passed in 1990, the Budget Enforcement Act requires that the cost of appropriations legislation stay within spending caps and that the cost of all other legislation satisfies the ''pay-as-you-go'' requirements. At the time the bill was passed, however, there was a legitimate concern that these new limits on spending could impede Congress' ability to provide additional funds for emergencies. As a result, Congress provided that if the President designates a provision as an emergency requirement and the Congress agrees in legislation, then the spending caps and ''pay-go'' limitations do not apply to that provision. Congress did not provide any guidance regarding what constitutes an emergency.

Not counting 1991, when emergency spending spiked because of the Persian Gulf War, the annual emergency expenditure had ranged from $16 billion to $5 billion before last year's Omnibus spending legislation set a new record, at $21.5 billion. The emergency spending designation has been used appropriately in many cases. Every year money is provided to the Federal Emergency Management Agency to respond to natural disasters such as hurricanes and floods. Emergency spending has included military funding for Operation Desert Storm and for peacekeeping efforts in Bosnia. The emergency designation has also been used to provide funds after other cataclysmic domestic events, such as the riots in Los Angeles in 1992 and the terrorist bombing in Oklahoma City in 1995. The 1999 emergency funds addressed a wider variety of needs than in prior years. According to the Congressional Budget Office, last year emergency funds were used for the first time for increased security at U.S. embassies, for price supports for U.S. farmers, to respond to the Year 2000 Computer problem, for counter-drug and drug interdiction efforts, for ballistic missile defense enhancements, and to address funding shortfalls in the defense health program, among other things.

While these expenses may all be legitimate uses of tax dollars, Senators on both sides of the aisle feel that some of the past designations of emergency spending were inappropriate, and have been looking for a statutory solution. The problem is the complete absence of guidelines on what constitutes an emergency, as well as insufficient procedural safeguards to prevent the misuse of the subjective emergency designation.

The provision on emergency spending originally contained in Senator DOMENICI's ''Budget Enforcement Act of 1999'' addressed this problem by establishing a 60-vote point of order against any emergency spending provision contained in a bill, amendment, or conference report. A number of Senators in the Committee on Governmental Affairs, myself included, felt that the super-majority point of order was neither necessary nor appropriate. It would have trampled on the rights of the Minority, and might have led to scenarios where aid is held up in cases of regional emergencies, particularly if a determined bloc of senators hoped to extract some unrelated legislative concession in return for the release of funds. We have seen cases where floods have ravaged the river valleys of the Dakotas, or tornadoes have decimated swaths of countryside in just one or two rural states. Severe droughts are emergencies to the farmers suffering their long-term effects, but may not seem quite so urgent to Senators representing other states. Allowing a reticent voting bloc to hold up funding for emergencies that are recognized by both the President and a majority of Senators seems to be an extreme measure to take, before having attempted a more measured response.

Accordingly, I was quite pleased when we were able to work out an agreement with Senator DOMENICI and Chairman THOMPSON regarding emergency spending. Our compromise preserved the point of order against all emergency spending, but converted it from a super-majority point of order to a simple majority point of order. The agreement retained criteria defining what constitutes an emergency.

The bill we reported out frames the debate whenever an emergency expenditure is challenged. The bill requires the President and congressional committees to analyze whether a proposed emergency funding requirement is necessary, sudden, urgent, unforeseen, and not permanent. If a proposed requirement does not meet one of these five criteria, the President or committee must justify in writing why the requirement still constitutes an emergency. Although the five criteria are not binding, the existence of this new statutory guidance, along with the explanations that may be contained in any accompanying report, will provide an essential framework for emergency spending designation decisions that has heretofore been lacking. A Senator raising a point of order against an emergency spending designation would have codified criteria to point to, and the process contained in this legislation encourages more challenges of abuses of the emergency spending designation.

After our bipartisan bill was reported to the full Senate, Senator DOMENICI included in his budget resolution a 60-vote point of order against any emergency designation. During the ensuing consideration of the resolution, Senators DURBIN, BYRD and I co-sponsored an amendment bringing back the simple-majority point of order. Senator DOMENICI accepted this amendment rather than hold a roll-call vote; nevertheless, our measure was subsequently stripped out in Conference. Accordingly, for the next year we will be governed by a Senate rule which requires a super-majority to designate emergencies, a rule which has not won the approval of even a simple majority of any Senate body.

Now we have before us an amendment that goes even further than the provision contained in the budget resolution. The amendment would re-establish the 60-vote point of order against emergency designations which had been removed by consensus in the committee. This point of order would last for ten years, and it would be codified rather than be a Senate rule. For reasons that are not clear, there would be an exception for Defense emergencies, but not for any other type of emergency, including natural disasters.

Importantly, the amended point of order applies to the emergency designation and not the spending itself. If it is raised and sustained, the bill's spending for scoring purposes would be increased, thereby potentially causing it to exceed its allocation. That would leave the entire bill vulnerable to a second point of order. This potential for procedural logjams would only complicate Congress' efforts to provide adequate funding to cope with real and pressing emergencies.

Accordingly, I urge my colleagues to reject the amendment to S. 557, and to accept instead the bill originally reported out of Committee, which addresses the issue of emergency designations in a sensible way, and which has won the support of members of both parties in the Committee.

Mr. ROTH. Mr. President, I rise to oppose the measure now before the Senate. This bill would create new budget procedures to prevent the spending of any surpluses attributed to

Social Security, other than for reducing the public debt or for Social Security reform. Although this bill is well intended, in my view the bill is unlikely to accomplish its objectives and, worse, may have negative, unintended consequences.

Before describing specific objections, let me first commend Senator DOMENICI for his leadership on the budget resolution and his commitment to Social Security. The FY 2000 budget resolution that passed Congress last week sets aside every penny of every dollar of the $1.8 trillion in Social Security surpluses expected over the next 10 years. This measure demonstrates unequivocally our commitment to protecting Social Security and to restoring confidence and accountability in Social Security's financing.

On the other hand, the President's budget would spend $158 billion of the Social Security surpluses over the next 5 years, and even more thereafter. The differences between the President's budget plan and Congress's could not be more clear.

Mr. President, the bill now before the Senate intends to provide additional protections against spending so-called ''off budget'' surpluses, by, among other things, creating a new public debt limit.

In my view, the bill has serious substantive problems. The simple fact is that if Congress does not authorize spending, money cannot be spent. Debt is issued solely to pay for spending Congress authorizes. Indeed, Congress delegated its exclusive constitutional authority to borrow money on the credit of the United States in 1917 to the Treasury Department. Prior to 1917, Congress individually authorized each debt issue, specifying interest rates and maturity

Over the years, debt ceilings have made little difference in preventing spending or deficits. But, as those of us who have been involved with debt ceiling legislation know too well, the need to raise the debt ceiling can and has often created a sense of crisis. Indeed, this bill could hamper the Federal government from paying its bills in a timely manner; injure the Federal government's credit standing; and limit the Treasury's flexibility to manage the debt in the most efficient manner.

Having said that, the legislation before us does attempt to address some of these problems. For example, the bill contains exceptions for emergency spending, recession, and war. However, these exceptions seem to undo the very purposes of the bill, without providing the flexibility needed to properly manage the debt. Moreover, the language of the bill ensuring the timely payment of Social Security benefits should be strengthened.

The best solution is to prevent spending, not to undo spending with a new type of debt limit. Indeed, the whole point of the 1974 Congressional Budget Act, and subsequent budget process legislation, has been to provide an organized, disciplined framework for consideration of the nation's budget and of public spending. If the current budget procedures are not adequate to prevent spending authorizations, new remedies should be devised without creating a new type of debt limit.

I received a letter from Treasury Secretary Rubin which addresses the pending amendment. In this letter Secretary Rubin raises concern that the amendment, if enacted, could actually jeopardize the payment of Social Security benefits. This concerns me as well.

Mr. President, I ask unanimous consent to print the letter from the Treasury Secretary in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. ROTH. Mr. President, let me turn now to one other issue before closing—the importance of prompt action on Social Security reform. The bill before us is at best intended to be a stopgap measure until Social Security reform is accomplished. Social Security has long-term financial problems, which the President and Congress must address. Indeed, there is broad agreement—in Congress and by the President—that Social Security reform is better done sooner than later. I strongly agree, although any action will require Presidential leadership and a bipartisan consensus in Congress.

EXHIBIT 1

DEPARTMENT OF THE TREASURY,
Washington, DC, April 21, 1999.

Hon. WILLIAM ROTH,
U.S. Senate, Washington, DC.

DEAR BILL: This letter transmits an analysis of the Social Security Surplus Preservation and Debt Reducation Act, the amendment offered by Chairman Domenici and Senators Abraham and Ashcroft to S. 557, which is currently being debated on the Senate floor. This Act would create new statutory limits on debt held by the public in addition to the existing ceiling on the total debt held by the public and the Federal trust funds. Our analysis indicates that this provision could preclude the United States from meeting its financial obligations to repay maturing debt and to make benefit payments—including Social Security checks—and could also worsen a future economic downturn. Let me refer you to my earlier letter as I will not repeat here all of the concerns I have with this proposal. For all of the reasons I mention there, I would recommend to the President that he veto this Act if it were presented to him for his signature.

It is still my view and the view of the Administration that fiscal restraint is best exercised through the tools of the budget process. Debt limits should not be used as an additional means of imposing restraint. By the time a debt limit is reached the Government is already obligated to make payments and must have enough money to meet its obligations. These proposed new debt limits, despite the changes made, could run the risk of precipitating a debt crisis in the future.

The proposal makes only limited exceptions for unanticipated developments on the non-Social Security side of the budget. However, the potential for forecast error is great even for estimates made for one year in the future, let alone for ten years. Projections of future budget surpluses are made using hundreds of assumptions, any of which is subject to error. Indeed, the Congressional Budget Office (CBO) studied the errors in its own five-year estimates and concluded that, based on their average deviation, the annual surplus estimate for 2004 could vary by $250 billion. Much smaller forecast errors could cause these new debt limits to be reached.

The amendment's shift of the effective date from October 1 to May 1 may provide some degree of cushion but it does not eliminate the risk that the debt limit could be reached in the normal course of business. It reduces the debt limit just after the large revenue bulge in April. However, the size of the cushion and the impact of the timing shift can be far smaller than the deviations from surplus projections described above.

The amendment could run the risk of worsening an economic downturn. The debt limit would be suspended following two consecutive quarters of real GDP growth below one percent. However, an economic slowdown of any duration that did not result in real growth of less than one percent for two consecutive quarters could increase spending and reduce receipts—and both CBO and OMB estimates indicate that such a moderate slowdown could require the borrowing of hundreds of billions of dollars over a period of just a few years. Absent a super-majority vote to raise the debt limit, Congress would need to reduce other spending or raise taxes. Either cutting spending or raising taxes in a slowing economy could aggravate the economic slowdown and substantially raise the risk of a significant recession. In addition, there would be a lag of at least seven months from the onset of a recession to the time that the statistics were available to demonstrate two consecutive quarters of real growth of less than one percent. During these seven or more months, as in the first case, revenues would likely decline and outlays increase necessitating that Congress either reduce other spending or raise taxes. In both cases, the tax increases and spending cuts could turn out to be inadequate to satisfy all existing payment obligations and to keep the debt under the limit, and the debt-limit crisis could worsen.

In addition, the Act does not guarantee that Social Security benefits will be paid as scheduled in the event that the debt ceiling were reached. The Act requires the Treasury Secretary to give priority to the payment of Social Security benefits but, if the Treasury could no longer borrow any money, there might not be enough cash to pay all Social Security benefits due on a given day. We believe that all obligations of the Federal government should be honored. We do not believe that prioritizing payments by program is a sound way to approach the government's affairs (*e.g.*, giving Social Security payments precedence over tax refunds or other benefits, such as those for veterans). In addition, this Act does not indicate how this complex prioritization process should be implemented, no system currently exists to do so, and any such system would be impractical.

Clearly, there could be very serious risks to Social Security and other benefits and to the credit worthiness of the United States if this Act were enacted into law. To ensure fiscal discipline, the Administration recommends instead that the pay-go rules and the discretionary spending caps in current law be extended beyond FY 2002. These tools of fiscal discipline—which do not rely on debt limits—have been highly effective since they were adopted in 1990 on a bipartisan basis. I urge the Congress to consider these provisions—rather than new debt ceilings—as the best choice for maintaining our hard-won fiscal discipline.

Sincerely,

ROBERT E. RUBIN.

Mr. BUNNING. Mr. President, I rise to make a few remarks concerning the

Social Security lockbox legislation. Last year, as chairman of the Social Security Subcommittee in the House of Representatives, I introduced legislation which would have reserved 100 percent of the anticipated budget surpluses for Social Security.

When that bill was marked up in committee, it was changed to 90 percent. Subsequently, that bill was passed by the full House of Representatives but it was attacked viciously by the President and our colleagues on the other side of the aisle because it did not protect 100 percent of the Social Security surplus.

The bill we are considering now in the Senate would do exactly what I originally set out to do in 1998. It would do exactly what the President promised to do in 1998. It locks up the Social Security surpluses to protect them and to insure those surpluses are not used for other programs, tax cuts, or additional spending. It locks up 100 percent of the Social Security surpluses—not 62 percent—not 90 percent—but 100 percent. It requires that those surpluses—and we are talking about a lot of money, as much as $1.8 trillion over the next 10 years—are not recycled out as debt and spent on other Government programs as we have done in the past.

This is a good bill. It is a good concept. It pays down the debt and it protects Social Security. I urge my colleagues to support this bill and to vote for the motion to invoke cloture.

Mr. REED. Mr. President, I rise today to express my profound concern with several provisions in the Abraham ''lock box'' amendment pending before us here today. I share many of the objectives the sponsors of this amendment portend to support, such as preserving the Social Security Trust Fund, promoting fiscal responsibility and paying down the debt. However, I fear this amendment could potentially have dangerous and disastrous effects on our nation's economy and Social Security.

The Abraham ''lock box'' proposal establishes statutory annual, declining limits for debt held by the public over the next ten years, based on projections from the Congressional Budget Office (CBO). Proponents of the amendment contend that these statutory limits will force a greater degree of fiscal responsibility upon the federal government. In order to raise the debt limit, a 60-vote point of order in the Senate would be required.

On the surface, this legislation may appear to provide potential benefits to the American economy and government spending. However, there are several fundamental flaws to this approach, which is why I am unable to support the proposal.

First, the Abraham proposal relies upon CBO budget projections to derive the statutory public debt limits. While CBO budget projections are an insightful and beneficial tool for policymakers, they are in no way an exact measure of future budget levels. As any economist would tell you, there are too many uncontrolled factors that can come into play. By CBO's own admission, unanticipated developments in the economy, demographics, or other factors may alter the nations' budget landscape.

For instance, an assessment of CBO budget projections between fiscal years 1988 and 1998 found that projections were off by an average of 13 percent per year. Looking ahead to 2004, this margin of error would mean that CBO's current budget projections could be off by as much as $250 billion. Yet, under this proposal, these inaccurate projections would become the standard.

Second, the statutory debt limits proposed by the Abraham amendment could make the federal government's responsibility to meet daily financial obligations extremely difficult. Treasury Secretary Robert Rubin has stated that debt limits may drastically hinder the Treasury's ability to cover near-term shortfalls in the government balance sheet. The government receives revenues and makes payments on a daily basis. Daily, weekly, or monthly swings in cash flows can exceed balances, and under the ''lock box'' scenario, debt limits as well. If the government has reached the debt limit, it would likely become necessary to temporarily suspend unemployment benefits, or other payments, until budget cuts or tax increases are implemented to make up the difference.

Third, arbitrary debt limits could exasperate economic downturns. The amendment includes a provision that its supporters claim would lift the debt limit during a recession, which is defined as two consecutive quarters where real economic growth is less than one percent. However, lags in economic reporting mean that data on GDP growth are generally not available until several months after an economic downturn has actually begun.

For example, the recession that started in July 1990 was not revealed through economic data until April 1991. When the economy slows, unemployment compensation and other outlays rise, while tax revenues slow or decline. As a result, debt limits could be breached more quickly. However, unless Congress musters 60 votes to breach the debt limit, cutting government expenditures or raising taxes would be required. These delays could push an already weak economy into a recession.

Fourth, effective measures are already in place to ensure fiscal restraint. Over the last ten years, pay-as-you go and discretionary spending caps have been highly successful in producing fiscal discipline without threatening budget cuts or tax increases. These enforcement mechanisms, which were enacted as part of the Budget Enforcement Act of 1990, have been key elements in maintaining fiscal discipline over the past decade. Supplementing these successful laws is unnecessary and may create greater volatility in our budget process.

Lastly, I would be remiss if I did not point out that the ''lock box'' proposal does nothing to stimulate meaningful Social Security reform, nor does it extend the solvency of the program. In fact, the amendment contains a clause that would allow money dedicated to the payment of Social Security benefits to be siphoned off for other purposes, like the creation of private accounts. It also completely ignores the solvency problems facing Medicare.

Mr. President, although the ''lock box'' amendment is seemingly well intended, if enacted, it could dramatically impact the federal government's ability to meet its financial obligations and react to economic downturns. Furthermore, it could exacerbate times of economic hardship and tie the hands of the federal government in meeting its financial commitments to the American people. Most importantly, the amendment does nothing to secure the solvency of Social Security and Medicare. I urge my colleagues to reject this potentially harmful amendment.

Thank you, Mr. President.

Mr. MCCAIN. Mr. President, I am proud to join Senators LOTT, DOMENICI, and others in cosponsoring this amendment to S. 577, The Budget Reform Act. I was an original cosponsor along with Senator ABRAHAM and others of the legislation upon which the Lott-Domenici amendment is based.

This amendment expresses clearly our commitment to protect the Social Security Trust Fund for current and future beneficiaries. This legislation reiterates the importance of adhering to the provisions of the 1990 law that prevented Congress and the President from using Social Security surpluses to mask the size of annual budget deficits. It also urges the establishment of a budgetary ''lock box'' for Social Security funds, with effective enforcement mechanism, to prevent Congress and the President from using Social Security receipts to pay for other government spending or to offset tax cuts.

We all have seen the predictions that the Social Security system will be bankrupt in 2032, short-changing the millions of Americans who included Social Security benefit payments in their retirement planning. Simply walling off the Trust Fund from depletion for other purposes will not solve this long-term problem. Clearly, we must continue to work to find a viable long-term solution to the financial problems of the Social Security system that restructures the system in a manner which provides working Americans with the opportunity, choices, and flexibility necessary to ensure their future retirement needs are fully met. At the same time, we must guarantee that everyone who has worked and invested in the Social Security system receives the benefits they were promised, without placing an unfair burden on today's workers.

Saving Social Security should not be a partisan issue. For our parents today and our grandchildren tomorrow, saving Social Security is too important for politics to guide us rather than principle. With predictions of sustained budget surpluses for at least the next ten years, saving Social Security should be our first priority.

I endorse the President's proposal to set aside two-thirds of the estimated $2.8 trillion non-Social Security surplus to shore up the Social Security system. However, I question whether the President is truly wedded to saving Social Security. His own budget shows that he does not set aside a single extra dollar for Social Security for at least ten years. Instead, he spends the surplus on new government programs.

It is also alarming that the President feels that the government should become an institutional investor in the stock market, using Social Security funds. The government has no business going into business. How could the government bring action against a company for violating anti-trust laws if it has a large equity investment in that same company? And can anyone fathom how the forces of political correctness might distort the market? Would the government eventually become the majority stockholder in Ben and Jerry's?

Saving Social Security has one simple objective: to guarantee that everyone who has worked and invested in Social Security receives the benefits they were promised. We must establish an effective ''lock box'' to ensure that 100 percent of Social Security receipts go to the Social Security trust fund and stay there earning interest. We must stop the federal government from stealing money from the Social Security trust fund to pay for its excessive spending habits. Social Security is a sacred promise which must not be broken. Fiscally responsible members of Congress must stand up and not allow the Federal Government to take the hard-earned money of taxpayers and threaten the financial security of our nation's retirement system.

Let me just point out that walling off the Social Security Trust Fund and reserving future surpluses to ensure the solvency of our nation's retirement system does not mean we can not also have a tax cut. Americans need and deserve a tax cut. Federal taxes consume nearly 21 percent of America's gross domestic product, the highest level since World War II. A recent Congressional Research Study found that over the next ten years an average American family will pay $5,307 more in taxes than the government needs to operate. Congress did not balance the budget so Washington spending could grow unnecessarily at the taxpayer's expense. Letting the American people keep more of their own money to spend on their priorities will continue to fuel the economy and help create more small business jobs and other employment opportunities.

We can provide meaningful tax relief to American families and still save Social Security. The Federal Government wastes billions of dollars every year on pork-barrel spending projects, much of which is earmarked by powerful Members of Congress for their home states and districts. Just this past year, Congress directed over $9 billion to special-interest projects. We also continue to allow businesses to use tax loopholes and other subsidies that do not make economic sense. According to the Progressive Policy Institute, we could easily save $200 billion over the next five years by eliminating inequitable corporate subsidies, including phasing out operating subsidies for Amtrak and eliminating the ethanol tax credit.

We can and should pay for tax relief for middle-class Americans and families with the money we throw away on pork-barrel projects and inequitable corporate subsidies, not money raided from Social Security surpluses.

Mr. President, on behalf of the millions of Americans who have paid into the Social Security system for decades and those who are working and paying into the system today, I urge my colleagues to support this amendment and demonstrate their continued commitment to truly saving Social Security for future generations.

Mr. DASCHLE. Mr. President, there is an old saying heard quite often in the midwest and perhaps other parts of the country as well. The saying is ''what you see is what you get.'' The adage is as simple as it is straightforward. It's a way of letting another person know there will be no surprises—good or bad—associated with the person or object in question. Things are pretty much as they appear.

Unfortunately, the proponents of this legislation, the so-called ''Social Security Surplus Preservation And Debt Reduction Act,'' do not subscribe to this plainspoken logic. In fact, quite the contrary. What you see when you examine their language is quite different from what you get when you listen to their rhetoric. They argue they are preserving Social Security. Their own bill language says otherwise. They argue they are reducing the public debt. Again, their bill language betrays them. And finally, they argue they have created a sound mechanism to lock away Social Security. The Treasury Department tells us differently. Mr. President, if votes on this bill are based on what people see and not on what they would actually get, I am confident this measure will be defeated. I strongly recommend that course of action.

Let me state at this time that I and every member of the Democratic caucus totally support the objectives expressed by this bill's authors. We must ensure that every dollar of Social Security taxes is dedicated solely and exclusively to Social Security benefits. I have joined with Democrats to fight for this principle earlier this year on the budget resolution. Furthermore, Democrats advocate taking an additional step. We feel Medicare also faces grave challenges and will need additional resources to ensure that radical reform is not necessary. The Democratic alternative to the bill before us today locks away every dollar of Social Security and helps Medicare. It does so in a secure manner that will not threaten the fiscal stability of this country.

Unless there is a change in the current procedural situation, Democrats will be precluded from getting a vote on our proposal at this time. If the proponents of this legislation were truly interested in a serious, substantive debate on how to protect Social Security and Medicare, they would not, as a first step, seek to limit Senators' rights to offer amendments. There is only one reason you would stack the deck in this manner on such an important bill before the Senate could even begin debating the merits of the legislation. That reason is partisan politics. The proponents of this bill have decided they would rather play politics with this issue than work together to produce good policy. Only by voting against cloture will Senators be allowed to work their will and offer improvements or substitutes to the Republican bill.

I would like to spend a few moments discussing my concerns about the specifics of the Republican bill. To do that, I must take a brief look back. Earlier this year, we witnessed an event that many members of Congress, indeed many Americans, never thought we would see in our lifetimes. After decades of deficits and trillions of debt, the Congressional Budget Office issued its fiscal report projecting budget surpluses as far as the eye could see. According to CBO, surpluses would total $2.6 trillion, including $787 billion in non-Social Security surpluses. Over 15 years, these totals would reach $4.6 trillion and $1.8 trillion, respectively. Democrats proposed on the budget resolution last month that we lock away every penny of the $2.8 trillion Social Security surplus and set aside close to $700 billion of the remaining surplus to keep our commitments to Medicare. Republicans opposed this approach then, and their actions today indicate they have not changed their minds. A $4.6 trillion surplus and the Republicans continue to say nothing for Medicare. Not a dollar. Not a dime.

This attitude might be somewhat easier to explain if the Republican bill truly set aside the $2.8 trillion in surplus Social Security taxes for Social Security benefits. Unfortunately, Mr. President, the title of the bill notwithstanding, the Republican proposal fails to preserve Social Security taxes for Social Security benefits. What is the basis for my assertion? Take a look at page 16 of the Republican bill. This page contains language that all Social Security taxes will be set aside unless Congress enacts ''Social Security Reform Legislation.'' And what is ''Social Security Reform Legislation''? Reading from the Republican bill, ''[it]

means a bill or joint resolution that is enacted into law and includes a provision stating the following: Social Security Reform Legislation. For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, this act constitutes Social Security reform legislation.''

In other words, Social Security Reform is anything a majority of Congress says it is. And, once declared, this same majority can spend Social Security taxes on anything they choose. Far from setting aside Social Security taxes for Social Security and paying off the national debt, this language allows its supporters to use these proceeds to bankroll tax cuts or other spending programs—hardly a sound means for preserving Social Security or reducing the federal debt. If you are serious about protecting Social Security taxes for Social Security benefits, this is not the bill for you. If you think we should lock in debt reduction, this bill falls short. In light of this huge loophole, it is Orwellian for Republicans to entitle their bill the Social Security Surplus Preservation and Debt Reduction Act.

My third criticism of this bill centers on the impact its enactment would have on the full faith and credit of the United States government and our economy. This bill creates new statutory limits on debt held by the public. By linking enforcement of its provisions to the publicly held debt ceiling, the Secretary of the Treasury has concluded, ''this provision could preclude the United States from meeting its financial obligations to repay maturing debt and to make benefit payments—including Social Security checks—and could also worsen a future economic downturn.'' In spite of the alterations made to the original version of this bill, the Treasury Secretary has wisely concluded the bill still puts at risk the creditworthiness of the federal government, the U.S. economy, and indeed, Social Security itself. Not surprisingly, Secretary Rubin recommends that the President veto this bill.

Now the proponents of this bill have challenged the statement that enactment of their bill could threaten Social Security payments. They point to section 203 of their bill. This section purports to protect Social Security benefits by asking the Secretary of the Treasury to give priority to the payment of Social Security benefits if Treasury funds are running low. Secretary Rubin has looked at this provision very carefully. His conclusion? ''The act does not guarantee that Social Security benefits will be paid as scheduled in the event that the debt ceiling were reached. . ..We do not believe that prioritizing payments by program is a sound way to approach the government's affairs. In addition, this act does not indicate how this complex prioritization process should be implemented, no system currently exists to do so, and any such system would be impractical.''

Mr. President, clearly the bill before us is fatally flawed. In spite of the desires and remarks of its supporters, the Social Surplus Preservation And Debt Reduction Act actually accomplishes neither. Social Security is not truly preserved, and debt reduction is by no means guaranteed. Ideally, Senators would be able to offer amendments to improve this bill and accomplish the stated objectives of its supporters. Unfortunately, that choice is not currently before the Senate. Instead, we are being asked to cut off debate before it has even begun. This is an option we can afford to pass up. I ask that my colleagues oppose cloture.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that each side of the aisle be allotted 1 hour each for debate on the pending amendment, and that all time consumed to this point count against the time limitation, and the scheduled vote occur at the expiration of that time.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object, how much time is that?

Mr. ABRAHAM. Let me explain.

The PRESIDING OFFICER. Five minutes to a side, in answer to the question.

Mr. ABRAHAM. In effect, we started late, and the original plan was to have a 2-hour discussion, equally divided, from 9:30 until 11:30. We started 10 minutes late. So the purpose of this unanimous consent agreement would be to add in the additional 5 minutes to each side because of our late initiation. That isn't how much time is left. That is how much time will be added to each side because of the loss.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I yield to the Senator from Minnesota for 5 minutes to speak to the amendment.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Thank you very much, Mr. President.

Mr. President, I wanted to be here this morning to strongly support safe deposit box legislation that would lock in any future Social Security surpluses, again only to be used for Social Security.

That doesn't sound like rhetoric to me, although that is what others are charging. But this is an effort to make sure the surpluses for Social Security go forward to making sure that Social Security is going to be solvent in the future.

I commend the Senate majority leader and Senator DOMENICI for making this legislation a top priority. I am pleased to join Senators ABRAHAM, ASHCROFT, and DOMENICI to offer this important substitute amendment.

The recently released 1999 Social Security Trustee's Report shows the financial status of the Social Security Trust Funds has slightly improved due to our strong economy.

The Trustee's report that Social Security will begin operating in the red in 2014, a year longer than last year's report, and it will go broke in 2034, two years later than projected last year.

This does not mean we don't need to worry about Social Security any more, and that future economic growth will wipe out all of our problems with Social Security as some suggest.

On the contrary, it reveals that Social Security unfunded liability has increased by $752 billion, which means Social Security is falling deeper into debt. It makes reform of Social Security more urgent than ever.

Although the increased surplus has slightly pushed back the date of insolvency, the significant increase of unfunded liability makes it harder to fix Social Security. Clearly, nearly $20 trillion in unfunded liability makes Social Security reform more imperative, not less—$20 trillion in unfunded liability. That means $20 trillion worth of benefits that the Government has promised that is not available in the Social Security Trust Funds.

That's why we are introducing this legislation today as an essential first step to save and strengthen Social Security.

Mr. President, this legislation is an enforceable mechanism to preserve the surplus generated by Social Security. It is designed to lock in every penny of the $1.8 trillion Social Security surplus in the next 10 years to be exclusively used for Social Security.

Pending reforms, these surpluses would retire debt held by the public to increase cash reserves in the Social Security trust funds. This mechanism ensures the surplus will be used in the future to pay for promised Social Security benefits once retired baby boomers threaten the solvency of the trust funds.

Although I prefer an immediate reform to move Social Security to a fully-funded retirement system, I believe this is the only way to actually save Social Security at this time, and to provide the dollars needed of any reform package in the offing.

President Clinton unveiled his Social Security proposal under his FY 2000 budget. The bottom line of his plan is that it allows the Government to control the retirement dollars of the American people by investing for them. It does nothing, however, to save Social Security from bankruptcy.

Worse still, despite his rhetoric about saving every penny for Social Security, President Clinton has proposed to take $158 billion in Social Security dollars to finance Government programs unrelated to Social Security.

The only positive aspect of his proposal is that the President has admitted the insolvency of Social Security and has recognized the power of the markets to generate a better rate of return, and therefore improved benefits.

The fundamental problem with our Social Security system is that it's basically a Ponzi scheme—a pay-as-you-go pyramid that takes the retirement dollars of today's workers to pay benefits for today's retirees.

It has no real assets and makes no real investment. With changing demographics that translate into fewer and fewer workers supporting each retiree, the system has begun to collapse.

There is a lot of double-counting and double talk in President Clinton's Social Security framework. The truth of the matter is the President spends the same money twice and claims that he has saved Social Security.

All the President has done is create a second set of the IOUs in the trust fund. It is like taking the money he owes Paul out of one pocket and applying it to the money he owes Peter in the other pocket, and then pretending that he has doubled his money and is now able to pay them both.

In addition, the President has proposed to spend $58 billion of Social Security money in FY 2000 for new Government spending. Over the next five years, he will spend $158 billion of our Social Security money.

President Clinton's plan does not live up to his claim of saving Social Security. He has not pushed back the date when the Social Security Trust Fund will begin real deficit spending. That date is still the same—2014. Social Security will have a shortfall that year and the shortfall will continue to grow larger year after year.

There are no longer surpluses building up in the Social Security account. There will actually be a deficit, and the shortfall will be $200 billion a year by the year 2021. By the year 2048, that deficit would run $1.5 trillion a year.

Since the government has spent the surplus and has not set aside money to make up for this shortfall, it will have to raise taxes to cover the gap—something that economists estimate will require a doubling of the payroll tax.

The proposal by the President to have the government invest a portion of the Social Security Trust Funds is no solution. It would give the government unwarranted new powers over our economy, and it will not provide retirees the rate of return they deserve.

Mr. President, it's going to take real reform, not Washington schemes, to help provide security in retirement for all Americans. The first essential step is to stop raiding from the Social Security Trust Funds, and truly preserve and protect the Social Security surplus to be used exclusively for Social Security.

This is exactly what this safe-deposit box legislation will achieve.

Mr. President, the best part of this legislation is that it will prevent Congress and the Administration from spending the Social Security surplus.

As I mentioned earlier, Social Security operates on a cash-in and cash-out basis. In 1998, American workers paid $489 billion into the system, but most of the money, $382 billion, was immediately paid out to 44 million beneficiaries the same year.

That left a $106 billion surplus. The total accumulated surplus in the trust fund is $763 billion.

Unfortunately, this surplus exists only on paper. The government has consumed all the $763 billion for non-Social Security related programs. All it has are the Treasury IOUs that ''fit in four ordinary brown accordian-style folders that one can easily hold in both hands.''

Despite the President's rhetoric of using every penny of Social Security surplus to save Social Security, last year's Omnibus Appropriations bill alone spent over $21 billion of the Social Security surplus.

Without the enforceable lockbox created by this legislation, future surpluses are likely to be spent to fund other government programs, leaving nothing for baby boomers and future generations.

Another important component is that this legislation would use the Social Security surplus to reduce the amount of federal debt held by the public.

Clearly, there is a valid economic reason to pay down the federal debt. Although I join most economists who agree that paying off the federal debt with a budget surplus would not stimulate growth in the same way that a tax cut would, it is still far preferable to having the government spend all the surplus.

Mr. President, many of us in Congress agree with the President that we should, and indeed must, devote the entire Social Security surplus to saving Social Security. However, his plan does not do what he says while our legislation does.

Mr. President, this legislation will be an essential first step to save and strengthen Social Security. I urge my colleagues to support this important legislation.

Thank you, Mr. President.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I yield 5 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Mr. President, I rise in opposition to this Republican lockbox for two very basic reasons: No. 1, it does nothing to extend the solvency of Social Security which we all, as Americans, ought to be concerned about; No. 2, the so-called lockbox is really no lockbox at all; it does not provide the protection we need.

First, let me speak to this issue of the extension of the financial viability of Social Security. We know from projections that Social Security's financial viability is expected to last through the year 2034. This proposal does nothing to extend that time. It adds no funds to the Social Security fund at all. We have a very fundamental problem. This is not pocket money we are talking about; this is money that elderly Americans all over this country and in North Carolina depend on for their livelihood.

For example, over 90 percent of Americans over the age of 65 depend on Social Security and receive Social Security benefits. Nine out of ten elderly Americans who have escaped poverty as a result of Government or Federal help have done so as a result of Social Security. In my home State of North Carolina, over half of the elderly would be in poverty—54 percent—in the absence of Social Security.

I have a simple question and I think it is a question the American people ask: What will happen when the year 2034 arrives and these folks can no longer receive their Social Security payments? We made a promise to these people. They spent their lives working, doing exactly what they were obligated to do, paying their payroll taxes. Now the question is whether we, as a government, are going to meet our promise and our responsibilities to them.

There is a second fundamental problem with this proposal. The lockbox is really no lockbox at all. It is a lockbox with lots of keys. The problem is, those keys are in the hands of folks who in the past have shown a willingness to let Social Security go to the side and instead use the money for tax cuts and other such things. What we need is a real lockbox, a lockbox that cannot be opened, a lockbox that does not have a provision, as this bill does, that provides for Social Security reform. This lockbox can be opened.

The elderly Americans need to know this Social Security money is, in fact, locked. We need to do what is necessary to accomplish that. We have an obligation to our elderly Americans. We made them a promise. They fulfilled their part of that obligation.

There is a fundamental question. If we are going to lock up this Social Security money, we need to lock it up in the correct way, in a way that it can't be reached. We need to do what is necessary to extend the life of Social Security. We have an obligation to do that. We have an obligation not to undermine the integrity of the Social Security system. We need to meet our promise and our obligation to elderly Americans who spent their whole lives working, expecting they would receive these benefits when they retired.

I yield back the remainder of my time.

Mr. LAUTENBERG. Mr. President, I yield 6 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, this amendment before the Senate, which I do not favor, saddens me. It is not

being straight with the American people. It is packaged in a way to look as if it is protecting Social Security. It is like a lot of products: They are packaged, with a promise on the label which may or may not describe what is inside the package.

The package here is called a lockbox to save Social Security. That is the package. That is the wrapping around the product. It is not indicative of the product inside. What is the product inside? Inside the package, the so-called lockbox package, not one penny is added to Social Security. The Social Security trust fund is due to expire in roughly the year 2034. The passage of this amendment does not extend that by one day. There is no difference, no change.

What is the product inside this so-called package? What is inside is essentially a provision which will be in the law which says public debt has to decline by the amount that the Congressional Budget Office projects. If at any date it does not, then the debt ceiling is in effect. That means that Government cannot make its payments and meet its obligations as we bump up against the debt ceiling.

The amendment before the Senate, the public debt ceiling limit, declines right along with reductions in public debt as projected by the CBO. Why is that a problem? It is a problem because the debt limit is not the way we force fiscal discipline. It is a charade. I have been in the Senate for almost 20 years. I have been part of many debt limit extension debates. They are very embarrassing, very embarrassing. The Government has, through the Congress, through authorization programs, obligations. Of course we have to increase the debt limit or we don't meet our obligations and the creditworthiness is in jeopardy, as in 1975 when Moody put us on a list for possible downgrade. At that point, we were flirting with whether or not to raise the debt limit.

Some Senators wanted to add different provisions. It was a political nonargument because we all knew we had to pass the debt. It is a game that is being played here. That is why I stood at the outset to say I am saddened by this amendment. It is not being straight with the American people.

Enforce fiscal discipline by spending less, pay-go, or through spending caps we enact and adhere to. That is the main reason the budget deficit declined and now we are reaching surpluses. It is not because of any debt limits. We already have a total debt limit in existence—the public debt plus the debt the Government owes to itself. We have that. This is inside the package, a new debt limit, which is meaningless, totally meaningless, because, obviously, if we meet the debt limit, we have to either raise the debt limit or we do not meet our obligations, which means we cannot spend money we are obligated to spend.

Social Security is supposed to be protected, but it is only a priority. If the debt limit is exceeded by such a great amount, it is possible that Social Security beneficiaries will not be receiving their payments. It is a priority above veterans. Veteran benefits could be cut if we pass the debt limit.

In addition, the usual debates in the past of whether to extend or raise debt limit ceilings are only majority votes. They are very, very difficult to get even though we all know it has to happen. The amendment before the Senate says it has to be a supermajority, 60 votes. We all know that is practically impossible.

The honest approach to saving Social Security and the honest approach to fiscal discipline is to continue the pay-go provisions, extend the caps on discretionary spending. We do our job here because this so-called lockbox, public debt limit provision, is not what it is cracked up to be. The other side is trying to make it look like they are protecting Social Security when, in fact, that is not what they are doing.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I yield 30 seconds to the Senator from California.

Mrs. BOXER. Mr. President, we don't have a lockbox for Social Security before the Senate. We should be clear; this lockbox as it pertains to Social Security has no lock; it has no box. The fact is, there is a huge, giant crack in the box that says, ''Exception: Social Security reform.''

We have heard it before from the other side of the aisle: Privatization of Social Security. That is another way to say end Social Security as we know it.

My mother used to say, just because someone says he is your friend does not mean he is your friend. Listen to who is speaking. Know who the true friends of Social Security are.

Vote ''no.''

Mr. LAUTENBERG. Like all the Democrats, I strongly support the purported goal of this amendment to secure the future funding of Social Security. I, like some of the other speakers on our side, believe this legislation is seriously flawed. We cannot rely on this plan to protect Social Security.

This lockbox, by any other name, could be called a leaky sieve. First, the amendment poses a direct threat to Social Security beneficiaries. Treasury Secretary Rubin has explained that under the proposal, an unexpected economic downturn could block the issuance of Social Security checks, as well as Medicare, veterans, and other benefits.

Additionally, the amendment changes a huge loophole, a minefield that would allow Social Security contributions to be diverted for purposes other than Social Security benefits. It is described as Social Security ''reform'' that would be exempt from the lockbox. That tells us beware, be on your guard, because it says something along the way might permit us, in the interest of reform, to divert funds that should be directed exclusively to Social Security. Things suggested could be risky privatization plans, tax cuts—who knows what?

The second problem with the amendment is that it does absolutely nothing to protect Medicare. Instead, it allows Congress to use what might be necessary funds for Medicare on tax breaks for wealthy individuals. I had hoped to be able to offer an amendment to establish a lockbox, one that is truly locked, one that is truly secure, to protect both Social Security and Medicare. That lockbox proposal would reserve all of Social Security surpluses exclusively for Social Security, and 40 percent of the non-Social Security surpluses for Medicare. Unfortunately, the majority is unwilling to even give us an opportunity to offer an amendment. They are not willing to subject it to the wishes of the Senate. Why? Is there something they are afraid of?

Finally, and perhaps most importantly, this amendment could present us with a Government default in the long term. In the short term, it could undermine our Nation's credit standing and increase interest costs. Ultimately, blocked benefit payments could lead to a world economic crisis. Our Nation has never defaulted on an obligation that is backed by the full faith and credit of our country. Yet, according to the Treasury Secretary, Bob Rubin, who is very respected, the creditworthiness of the United States could be subject to very serious risks if this legislation were enacted, and that is why he would recommend the President veto the bill if it ever reached his desk.

We Democrats have a proposal, a lockbox that protects both Social Security and Medicare, and our lockbox would not require a new debt limit, and it would not risk a default. It would use supermajority points of order and across-the-board cuts to guarantee enforcement. That is a better, more responsible approach. Unfortunately, the majority is not going to give us an opportunity to present our plan to the Senate. I do not think it is right. I wish we could have a reversal of the majority opinion or the majority view on that.

Social Security lockbox legislation is a new proposal. It has not gone through a committee. It has not been subjected to hearings. In fact, it was not even introduced until a couple of days ago, and it resulted from a conference in the privacy of a single room. Yet the majority is using parliamentary tricks to prevent us from offering any amendments to improve the bill. It is not the right way to do business, especially given the high stakes involved both for Social Security and for our entire country. So I am going to ask my colleagues to oppose cloture on this legislation. Let us continue this debate. Let us find out what really is in this proposal. Let us make it a real lockbox, not one that could be threatening Social Security benefits and does not do

anything for Medicare and risks our national credit.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I yield myself an initial 5 minutes, and if the Chair will let me know when that time is reached, we will see how much time is remaining to speak.

I have had the pleasure of listening now for about 3 days to a variety of criticisms raised by the other side of the aisle on this amendment, almost all of which are baseless in every conceivable way. Some of them, I think, are caused by failure to read it, some because of a reliance on letters received from the Department of Treasury before it had even been drafted, and some for reasons that are frankly, to me, still confusing—the most recent being the comments of the distinguished ranking member of the Budget Committee that they have had no opportunity to address the issue. What we have before us is cloture on this amendment, not cloture on this bill. If cloture is invoked, then we will go ultimately to a vote on this amendment, and once it is dispensed with, up or down, the bill will still be available for amendment. If there are better lockbox proposals or alternative proposals, there will be an opportunity for that.

Let me also say, this Senator certainly is receptive to, and anxious to hear from, the Secretary of the Treasury or anybody else with respect to ways to perfect the approach we have taken. But what we have tried to do is simply put into a legislative form that which we passed as part of our budget resolution on a 99–0 vote. What that said, very simply, was we were going to reduce the Federal debt held by the public because it is a national priority; that Social Security surpluses should be used for Social Security reform, or to reduce the debt held by the public and should not be used for any other purpose.

Mr. President, 99 people voted for this. Now, all of a sudden, we hear that having the words ''Social Security reform'' in this amendment is some kind of diabolical plot; or using the Social Security surplus to pay down the national debt is somehow a threat to the economy. If people believe that, I cannot imagine why they voted in the first place 99–0 for this amendment when it was offered by myself and others during the budget resolution debate. The only thing that has happened since then is that we have tried to put into legislative context that which everybody said they were for. If there are criticisms of this, I think they would have to be technical ones because the basic principles that were voted on 99–0 are exactly what are embodied in this amendment before us today.

We recently heard the statement: Who are the real friends of Social Security? We will find that out here in a few minutes. The question will be this, and this will be a question for seniors and those who will soon be recipients of Social Security benefits to answer for themselves: Are your friends the people who want to make sure the Social Security surpluses are protected from being spent or used for other Government programs or tax cuts or anything other than to reduce the national debt? Or are your friends the people who want to spend the Social Security surplus, such as the President proposed in his budget, or those who will vote against a provision, this amendment, that would protect the surpluses from being spent?

Every time I talk to seniors in my State, I hear complaints that we have plundered the Social Security trust fund and spent those dollars on other things. This amendment is designed to put an end to that, to require 60 Senators to stand on this floor and to vote to spend Social Security money on something other than Social Security. Yet all of a sudden we find all kinds of excuses to oppose that.

We will let the seniors decide who their friends really are. I think for too long we have seen these surplus dollars spent on other Government programs. It is time for that to stop. It is time for those dollars to be protected, to be used to pay down the public debt, or used as part of a Social Security modernization program. And that is not going to happen until we have bipartisan consensus on such a program.

In the meantime, do we send those dollars off to other priorities in the budget, or do we put them into the reduction of the publicly held debt so that we, in fact, strengthen the economy, reduce our interest payments, and make more funds available in the future for Social Security when it will need it?

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the entire text of Senate Amendment No. 143, as well as the results of the Senate vote on that amendment be entered in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

At the appropriate place, insert:

AMENDMENT NO. 143

SEC. XX. FINDINGS; SENSE OF CONGRESS ON THE PROTECTION OF THE SOCIAL SECURITY SURPLUSES.

(a) The Congress finds that—

(1) Congress and the President should balance the budget excluding the surpluses generated by the Social Security trust funds;

(2) reducing the federal debt held by the public is a top national priority, strongly supported on a bipartisan basis, as evidenced by Federal Reserve Chairman Alan Greenspan's comments that debt reduction ''is a very important element in sustaining economic growth,'' as well as President Clinton's comments that it ''is very, very important that we get the government debt down'' when referencing his own plans to use the budget surplus to reduce federal debt held by the public;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the Social Security trust funds will reduce debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009, $417,000,000,000, or 32 percent, more than it would be reduced under the President's fiscal year 2000 budget submission;

(4) further according to the Congressional Budget Office, that the President's budget would actually spend $40,000,000,000 of the Social Security surpluses in fiscal year 2000 on new spending programs, and spend $158,000,000,000 of the Social Security surpluses on new spending programs from fiscal year 2000 through 2004; and

(5) Social Security surpluses should be used for Social Security reform or to reduce the debt held by the public and should not be used for other purposes.

(b) It is the sense of Congress that the functional totals in this concurrent resolution on the budget assume that Congress shall pass legislation which—

(1) Reaffirms the provisions of section 13301 of the Omnibus Budget Reconciliation Act of 1990 that provides that the receipts and disbursements of the Social Security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985, and provides for a Point of Order within the Senate against any concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates that section.

(2) Mandates that the Social Security surpluses are used only for the payment of Social Security benefits, Social Security reform or to reduce the federal debt held by the public, and not spent on non-Social Security programs or used to offset tax cuts.

(3) Provides for a Senate super-majority Point of Order against any bill, resolution, amendment, motion or conference report that would use Social Security surpluses on anything other than the payment of Social Security benefits, Social Security reform or the reduction of the federal debt held by the public.

(4) Ensures that all Social Security benefits are paid on time.

(5) Accommodates Social Security reform legislation.

ROLLCALL NO. 58, MARCH 24, 1999

YEAS—99

Abraham	Enzi	Lott
Akaka	Feingold	Mack
Allard	Feinstein	McCain
Ashcroft	Fitzgerald	McConnell
Baucus	Frist	Mikulski
Bayh	Gorton	Moynihan
Bennett	Graham	Murkowski
Biden	Gramm	Murray
Bingaman	Grams	Nickles
Bond	Grassley	Reed
Boxer	Gregg	Reid
Breaux	Hagel	Robb
Brownback	Harkin	Roberts
Bryan	Hatch	Rockefeller
Bunning	Helms	Roth
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
Crapo	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lieberman	Wellstone
Edwards	Lincoln	Wyden

NOT VOTING—1

Lugar

Mr. ABRAHAM. Mr. President, I thank you, and I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. How much time do I have?

The PRESIDING OFFICER. Eleven minutes and about 5 seconds.

Mr. DOMENICI. And then we vote, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. Mr. President, me thinks they doth protest too much. That is my paraphrasing of what some great writer said applying it in the singular. I am applying it in the plural.

First of all, I recall vividly my very good friend and one-time chairman of the Budget Committee coming to the floor of the Senate with a big sign that said: ''Quit embezzling Social Security money.'' In fact, he said embezzlement is what is happening when we use their trust fund money for Government. Isn't it interesting that there are many Senators who at least feel that way enough to talk about it as embezzlement or stealing money from the senior citizens?

Today, the seniors ought to ask: If it is embezzlement, what are you all going to do to prevent the embezzlement from continuing? The answer is going to be: Little or nothing, because whatever you try to do that is really serious and makes it hard to embezzle, they have some reason on that side of the aisle for not doing it.

If you think this Senator, who has listened attentively and asked his staff to summarize the arguments on that side, is not frustrated when he hears, first, that a financial crisis will occur—let me tell you, the seniors think a financial crisis has already occurred because we are taking their money and spending it for Government.

Secretary Rubin, for whom I have the highest respect, who does not want to tie the future debt limit of the United States to whether or not you use this Social Security trust fund, has written a letter and, essentially, the letter says he needs more flexibility because the money does not come in every month at the same level. We gave him the flexibility. Read the statute before you. If Secretary Rubin is worried about that, we gave him the flexibility.

Now he raises a new argument: We may not be able to pay Social Security beneficiaries—an absurd argument. But we gave him the authority in this statute. We said if that the Secretary should give payments of Social Security checks priority.

We thought we clearly took care of the most significant problem and concern of the Secretary of the Treasury.

Then we hear: You have done nothing to extend the solvency of Social Security. Of course, we haven't. We said don't touch their fund until you have a reform package that helps with the solvency of Social Security, and if you have that, you can use it for that.

Why wouldn't the senior citizens like that? Do they want us to just leave it there or they want us to use it in case we need it for Social Security reform or transition? Of course, that is an argument in favor of this statute, not against it.

Then we were accused of perhaps putting Medicare in this Social Security trust fund. That was last week. It should just be for Social Security. Right? That was the big argument. We made it just for Social Security.

Now what is the argument? You did not take care of Medicare. This money does not belong to Medicare. This money belongs to Social Security. If you want to take care of Medicare, take care of it another way. Do not use the Social Security money for Medicare.

Last week, the Democrats were saying that lockbox is not going to be good because you might be able to use the money for Medicare. We agreed with them. We did not put it in this statute. Now we are not doing enough for Medicare.

Then we are accused of making this Government live on too rigid a budget for the appetite for spending or tax cuts. We are being accused of tying the hands too tightly.

What do we do? We say, OK, we want to be reasonable about this. If we have a recession for two quarters, then this does not apply. Who would want this to apply in the middle of a recession if you needed money for unemployment compensation? Of course, you would not want it to. If you needed to do something to help the economy come up so the Social Security program would be helped by recovery and prosperity, who would object to that?

Put that alongside of having no lockbox so you could use it for anything, like the President wanted to in his budget. It is amazing. The President wants to spend $158 billion of this trust fund for just programs, not emergencies, not a war, just for programs to expand on the Government. You can count on it, seniors. You cannot do that if this lockbox is put in effect. You will have to find the money in other program cuts or do something else, but you could not use it.

We also said, if there is a war, if there is an emergency with reference to the defense of our country, you could use it, but not for ordinary expenditures of Government.

I remind everyone, this is a lot of money, $1.8 trillion going in this trust fund over a decade which belongs to the seniors and takes down our national debt while it sits there waiting for us to use it for Social Security purposes only. Now we have somebody arguing it may be some new Social Security program that just Republicans want that you would use it for. That is kind of preposterous.

When you have a reform Social Security program, it is going to have to clear both Houses of Congress and be signed by a President. It is obviously going to be a good program. Seniors are going to be watching it. But that is what we think this money ought too be used for.

As I view it, everybody on both sides of the aisle and the White House talk about not using this trust fund for anything but Social Security. I worked very hard to find a way that will clearly say: You can't do it; you can't spend it; you need 60 votes, and you are going to have to increase the debt limit in order to spend this money.

I thought that was something everybody would like. Frankly, I thought those running across America saying, ''We want to take care of Social Security,'' would not be for this.

Do you know what I think? I think it is just too tight a lockbox. It is not a loose lockbox like they are talking about. It is too tight. You are not going to be able to embezzle from it anymore. You are not going to be able to rob from it anymore. You are not going to be able—if you do not think it was embezzlement or robbery; if you just think we were spending the money—you are not going to be able to spend the money anymore.

What is wrong with that? I believe that is exactly what we ought to do. Frankly, I anxiously await the vote. I do not believe we will get cloture, but everybody knows by not giving us cloture, the Democratic side of this Senate is clearly saying: We want to make sure you cannot spend the money, but don't make too sure that we can't spend the money; don't make it too certain that we can't spend the money; just leave a little bit open there so in case we need it, we can spend it, because we would like some new programs or we would like to cut taxes.

Actually, this applies to tax cuts, too. You cannot use it for tax cuts because it says in there what it can be used for and nothing else.

I thank everyone for the debate. It has probably been a healthy one. In particular, I thank Senator ABRAHAM, a valid member and respected member of our Budget Committee. He is the principal sponsor of this proposal. I think he has carried the load admirably on the floor, and I thank him for his efforts.

Mr. President, do I have any time remaining?

The PRESIDING OFFICER. Two minutes.

Mr. DOMENICI. Would Senator LAUTENBERG like 1 minute of my time?

Mr. LAUTENBERG. That would be very generous.

Mr. DOMENICI. I give the Senator 1 minute of my time.

Mr. LAUTENBERG. Thank you, Mr. President.

The chairman of the Budget Committee knows his products very well. But I am forced to ask this question, and that is whether or not, under any

stretch of view, Social Security reform could include a tax cut measure, perhaps in the interest of raising some retirement benefit that someone might have?

Mr. DOMENICI. No, unequivocally no.

Mr. LAUTENBERG. So it could only be used for Social Security reform, which would mean what?

Mr. DOMENICI. It means any programmatic reform that the Congress of the United States passed and a President signed that increases the longevity of the trust fund and makes the Social Security program available for longer periods of time, increasing the solvency of the fund and guaranteeing the payments.

Mr. LAUTENBERG. I thank the Senator.

Mr. DOMENICI. Let me close this. If nobody objects, we can vote 30 seconds early.

I thank everybody for their participation. From my standpoint, I wish we had a reform-Social-Security package before us. That is my wish. But since we do not, we ought to leave the money there until we do. I hope everybody understands it is easy to make excuses; it is hard to come up with things that will really lock this money up. We have one before us today.

I yield back my time. And obviously, the yeas and nays have been ordered; have they not?

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative assistant read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 254 to Calendar No. 89, S. 557, a bill to provide guidance for the designation of emergencies as part of the budget process:

Trent Lott, Pete V. Domenici, Ben Nighthorse Campbell, Jeff Sessions, Kay Bailey Hutchison, Craig Thomas, Slade Gorton, Chuck Hagel, Spencer Abraham, Thad Cochran, Pat Roberts, Conrad Burns, Christopher S. Bond, John Ashcroft, Jon Kyl, and Mike DeWine.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 254 to Senate bill 557, a bill to provide guidance for the designation of emergencies as part of the budget process, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is absent due to surgery.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote ''no.''

The yeas and nays resulted—yeas 54, nays 45, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—54

Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner

NAYS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Roth
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—1

Moynihan

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT REQUEST—S. 96

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 34, S. 96 regarding an orderly resolution to the Y2K problems.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. I object.

Y2K ACT—MOTION TO PROCEED

Mr. LOTT. I now move to proceed to S. 96, and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 34, S. 96, the Y2K legislation:

Trent Lott, John McCain, Rick Santorum, Spencer Abraham, Judd Gregg, Pat Roberts, Wayne Allard, Rod Grams, Jon Kyl, Larry Craig, Bob Smith, Craig Thomas, Paul Coverdell, Pete Domenici, Don Nickles, and Phil Gramm.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I regret having to file a cloture motion on this important piece of legislation. However, we need to have a vote on Monday afternoon so that Members will be here. We can have committee meetings hopefully Monday and Tuesday.

We have a number of very important issues that need to be considered by committees. We need to move forward on the now two supplemental appropriations requests that we have. So we are going to have a vote on Monday in any case.

But also I think this is very important legislation in and of itself. It is important that we get up and get started on the discussion. I had hoped we could actually work on it today and tomorrow. But because of the NATO meeting and the congestion and the concerns about access to and from the Capitol, we will not be in session on tomorrow. That gives the Members who are working together—Senator MCCAIN I know is working with others, Senator BIDEN, Senator DODD—time to try to work out some of the remaining problems on this legislation.

We can go forward with this cloture vote on Monday afternoon. Or, if something is worked out where it is not necessary, we could still vitiate the cloture vote.

We need to get this done. This is urgent. The clock is ticking. We are moving towards 2000. This liability, this problem, is hanging over us like a sword. I think it is important that we go forward. I hope that next week—Tuesday or Wednesday, certainly—we will be in the substance of the bill and we can get to a final conclusion on the substance.

I encourage Members on both sides of the aisle to work together to see if we can't resolve this issue and move it on into conference.

I thank Senator MCCAIN, Senator HATCH, and Senators from both sides who have been working on it.

Having said that, I ask unanimous consent that Friday be considered the intervening day under the provisions of rule XXII.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY addressed the Chair.

Mr. LOTT. Mr. President, if I could, if there was not an objection, I would be glad to yield to the Senator from Massachusetts for a question.

May I confirm that there is not an objection to that request?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I would be glad to yield to the Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the majority leader for yielding. I simply wanted to inform him, I wasn't on the floor at the moment the objection was raised to the Senate proceeding as Senator MCCAIN hoped to do.

I want to say that I had a discussion with Senator MCCAIN, Senator DODD,

Senator HOLLINGS, and others. A bona fide effort is being made right now to work with the technology community as well as with the legal community. I think there is the capacity to come together around some form of compromise.

I thank Senator MCCAIN for his leadership on this. I think it may be possible within hours to come together around something.

Mr. LOTT. That is certainly my hope. It is encouraging that the Senator from Massachusetts would say that.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. LOTT. Yes. I am happy to yield to the Senator from South Carolina.

Mr. HOLLINGS. We are trying to work out the matter of the quorum call that is required with, of course, the vote on Monday. I would have to object to dispensing with that call for a quorum on Monday, and maybe we can change it by the end of the afternoon. I am trying to check around right now.

The Senator from Arizona doesn't mind, does he?

Mr. MCCAIN. No. I will always do what the Senator from South Carolina says.

(Laughter.)

Mr. LOTT. Did the Senator from South Carolina have anything further he wanted to say?

Mr. HOLLINGS. No. That is all.

Mr. LOTT. Then I will go ahead and ask unanimous consent that the cloture vote occur at 5 p.m. on Monday, and that the mandatory quorum under rule XXII be waived.

Mr. HOLLINGS. I object to the mandatory waiver of the quorum call.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Of course under the request that has already been agreed to and under the rules of the Senate, we will have a vote on Monday afternoon. It is just a question of time. I know there is an effort here to try to set the schedule at a later time.

I remind Senators that I wrestle with this all the time. For every two Senators you are trying to protect who won't get here until 6, you are hurting a couple of Senators who may have to leave at 5:30. This is a very delicate dance.

Mr. HOLLINGS. I understand. That is why we are calling around now trying to work it out with the leader. He just hasn't gotten it worked out yet.

Mr. LOTT. I hope the Senator would keep in mind that we are going to be squeezed on both ends. We will try to work out a time that benefits the maximum number of Senators. But if you go into the night beyond 6 o'clock, you have all kinds of problems on the other side of the issue.

With that, I yield the floor. Mr. President, we are ready to proceed with the debate on the issue.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, obviously I am disappointed that we did not proceed to S. 96. I am encouraged by the comments of the Senator from Massachusetts and others. The Senator from Oregon and I are continuing to have a dialog also with the Senator from Connecticut, Mr. DODD, and, of course, with the distinguished Democrat on the committee, Senator HOLLINGS.

So I hope we can come to some agreement. I am given occasionally to flights of rhetoric, but the fact is, this is a very, very serious issue and one that we really cannot delay too much longer. The clock is ticking. We need to move forward. There may be some differences. I don't think anybody believes that we need to do something destructive.

This problem is critically important. The potential for litigation to overwhelm the judicial system for the most egregious cases involving Y2K problems is very real. Litigation costs have been estimated as high as $1 trillion. Certainly the burden of paying for litigation will be distributed to the public in the form of increased costs in technological goods and services.

The potential drain on the Nation's economy and the world's economy from fixing computer systems and responding to litigation is staggering. While the estimates being circulated are speculative, the costs of making the corrections in all the computer systems in the country are astronomical. Chase Manhattan Bank has been quoted as spending $250 million to fix problems with its 200 million lines of affected computer codes. The estimated costs of fixing the problem in the United States ranges from $200 billion to $1 trillion. The resources which would be directed to litigation are resources that would not be available for continued improvements in technology-producing new products and maintaining the economy that supports the United States position as a world leader.

Time is of the essence. If the bill is going to have the intended effect of encouraging proactive prevention and remediation of Y2K problems, it has to be passed quickly. This bill will have limited value if it is to be passed after the August recess. I urge my colleagues to vote for cloture on Monday when we move forward with that.

I have a number of letters, studies, and a lot of information I will present when we move to the bill. I will be very clear. From the technology network, we have letters of support from Cisco Systems, Intel, Microsoft, American Online, Merrill Lynch, Novell, Adobe Systems, Alexander Ogilvy Public Relations Worldwide, Platinum Software, American Electronics Association, Marimba, Inc., NVCA, Kleiner Perkins Caulfield & Byers, LSI Logic—the list goes on and on.

This is an important issue to the high-tech industry in America. It is very important. It is of critical importance as to how these corporations that are leading the American economy are able to proceed with the business of business rather than the business of litigation.

I hope all of my colleagues will support this legislation and that we can move forward. As the Senator from Connecticut will state, we still have differences but we are working hard on working those out with the Senator from Oregon, the Senator from Massachusetts, and of course, the much esteemed Senator from South Carolina, Mr. HOLLINGS.

I see my other colleagues would like to make comments on this very important issue. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I'll be brief because I know my colleagues from Oregon and South Carolina and others may want to speak on this. I think there is a need to try to come up with some legislation to minimize what could be runaway litigation in this Nation. There have already been some 80 lawsuits, many of them class action lawsuits, filed on the Y2K issue.

I think all of my colleagues are aware that the leaders asked Senator BENNETT of Utah and myself to chair this Special Committee of the Senate to examine the Y2K problem. We have been working for well over a year. We have had some 17 hearings in which we have invited various sectors of our economy —both private and public—to give their assessment of how the remediation efforts are progressing and the condition of our institutions. Both of us, I think, feel confident that things are progressing well, that we are not going to have as much of a problem as we thought a few months ago, but that there still could be difficulties. Y2K issues internationally may be a much greater problem than those here at home.

There is a report out which has been sent to each and every Senate office, which I encourage our colleagues to take a look at to get a sense of how the issue is progressing. It is an open-ended question whether we are going to have a whole new area of litigation here—unwarranted litigation—which could destroy some small companies that lack the capacity to take on the kind of predatory lawsuits that too often do more damage than good.

Simultaneously, I adamantly oppose any legislation to try to use this issue as a way of rewriting the tort laws of the country. This ought not to be that kind of vehicle. There is a legitimacy to the Y2K problem, but no one should think it possible to take advantage of the Y2K problem to achieve tort reform beyond the scope of the actual problem. I don't think our colleagues would support it—at least not a majority, and the legislation, if it managed to get through Congress, would be vetoed. As the Senator from Arizona pointed out, we would have failed in our obligation to try to do something in an intelligent, thoughtful, common-sense way

that legitimately deals with the issue presented by the Y2K problem without going overboard and doing, as some have suggested, a lot more damage than good.

I am hopeful we can work something out here. Senator WYDEN has been working on it. I know the Senator from South Carolina has strong interests in this issue, as he has on so many other issues. We can find some common language here. My hope is that we will enjoy broad-based support in the Congress, achieve the desired effects, and provide some real assistance in the face of this potential problem that lurks 253 days from today, which begins the new millennium.

Senator BENNETT and I have spent the last year serving on a Senate committee totally devoted to the Y2K issue. We've held 18 hearings exploring every sector of our economy that might be affected by the Y2K problem, including financial institutions, utilities, healthcare, telecommunications, and business. Throughout this year one thing has been made abundantly clear. Wherever the Y2K problem exists next year, litigation will follow.

Americans have become accustomed to living in a litigious society. The occasional abuses of the legal system that come along arise from problems that are limited in scope. As a result, the numbers of lawsuits related to those problems are limited, and our legal system and economy continue to function notwithstanding these occasional abuses. But the Y2K problem is not limited in scope. Potentially, any business in the country might be swept into the Y2K problem, either because it is itself not prepared or because a firm it depends upon is not prepared. Just six weeks ago the committee reported that as many as 15 percent of the businesses in this country will suffer Y2K-related failures of some kind. Even now we read that small and medium-sized businesses across the globe are not taking the necessary steps to become Y2K-compliant, and many think they don't have a Y2K problem. Since businesses are interconnected these days, just one failure in one business may generate cascading failures that may then generate numerous lawsuits.

It has been suggested that as a result of Y2K, the United States could easily find itself witnessing a huge surge in litigation. This potential litigious bloodletting could have long-term consequences on the economic well-being of our country. Various experts, including the Gartner Group from my own state of Connecticut, have estimated that the costs of litigation may rise to $1 trillion, a phenomenal figure. Such a massive amount of litigation has the potential to overwhelm the court system, disrupting already-crowded dockets for years into the next millennium. We must be careful that an avalanche of lawsuits does not smother American corporations and bury their competitive edge. A maelstrom of class action lawsuits could have long-term consequences on the American economy and the American people. The rush to file lawsuits might curb the future economic development in a number of different sectors. Moreover, all of the money that would be set aside this year by businesses for legal expenses associated with the Y2K problem, both as defendants and as plaintiffs, cannot be spent on fixing the Y2K problem. As we heard in our hearing on this issue, both large and small businesses are concerned that the fear of litigation later is preventing them from solving problems now.

For this reason, I have long believed that the Congress could perform an essential service to the nation's economy by developing legislation that would encourage companies, in the first instance, to solve their own Y2K problems instead of going to court right away, and to curtail the inevitable frivolous litigation that accompanies any national problem. We should not force businesses to choose between spending money on remediation or spending money on preparing for litigation. An alternative to this choice is reasonable litigation reform.

Within the Banking Committee, I am on record for supporting significant securities litigation reform. Our 1995 bill, which was passed, despite veto by the White House, spoke to definitive and repetitive litigation abuse. At that time the legal system was no longer an avenue for aggrieved investors seeking justice and restitution. Instead, it had become a pathway for a few enterprising attorneys to manipulate legal procedures for their own profit. This profit came at the expense and the detriment of legitimate companies and investors across the nation. The crucial factor driving securities reform legislation was a specific, clear-cut pattern of abusive litigation. In the case of Y2K, however, we don't yet know what abuses might arise.

In other words, I have strongly supported litigation reform efforts in the past. But clearly we need a bipartisan, narrowly crafted, well-structured, and easily understandable bill. As with securities litigation reform, the need for Y2K litigation reform arises from a national problem amenable to a narrow, tailored solution, such as the bill I introduced.

I have great concerns that the bill before us today does not represent the narrow, tailored solution to the Y2K problem that I believe is necessary. It contains broad provisions tantamount to massive tort reform, which should be saved for another day. The Y2K problem should not be used as an excuse to pile on these broad measures. I think we can all agree on what we'd like a bill to do; indeed, the bill before us today and the Hatch-Feinstein bill contain many of the same provisions as are in my bill. I take issue, however, with a few provisions in both of these bills that I veiw as unnecessary window dressing for interests unrelated to the Y2K problem.

First, the bill before us places caps on punitive damages except where the defendant acted intentionally. Nothing inherent in the Y2K problem requires that this be done. No state allows for the award of punitive damages unless the defendant has acted in some egregious manner. Defendants who have behaved responsibly will not be assessed punitive damages, and defendants who have behaved egregiously should not be rewarded by limiting the amount of punitive damages which they might be required to pay. My bill does not cap punitive damages because it is not necessary to do so.

Second, the bill before us places caps on the personal liability of officers and directors, those individuals with the ultimate responsibility for the management of their firms. For years now Senator BENNETT and I have done everything possible to get upper management, including officers and directors, not only to pay attention to the Y2K efforts of their firms but to become directly involved and responsible for those efforts. After a lot of hard work in this area, our efforts have finally paid off and most upper management of major firms have appropriately shouldered these responsibilities. To come in now and place caps on the personal liability of officers and directors would set back our efforts to get management's attention on this issue. Passing such caps gives these ultimate decision-makers less incentive to maintain their active involvement in Y2K remediation efforts. A related provision in the bill that raises the standard of proof for such individuals for many tort actions gives them the same excuse. My bill does not contain such provisions because I believe they are an excessive solution to an uncertain problem.

What my bill does do is provide the narrow, tailored provisions I think necessary to address the problem presented by the spectre of Y2K litigation. Just as the other two Y2K liability bills introduced in the Senate do, my bill provides for a 90-day cooling off period to allow businesses to work out their Y2K problems together before they are forced to go to court. Just as the other bills do, my bill places a duty to mitigate damages on all parties which gives them an incentive to seek out solutions to their own Y2K problems. Just as the other bills do, my bill discourages frivolous litigation by including specific pleading requirements and a requirement that defects alleged in class action lawsuits by material. Just as the other bills do, my bill rewards companies that have taken steps to become Y2K compliant by allowing for a reasonable balance between proportionate liability and joint and several liability.

While I strongly believe that a Y2K liability bill is necessary, I have great concerns about this Y2K liability bill in its present form. No one wants to see a solution to this problem more

than I do, but I am not willing to compromise efforts to solve the Y2K problem to satisfy unrelated interests, nor am I willing to trade in the Y2K problem only to get a litigation problem down the road. While we are rushing to solve the Y2K problem and the policy issues therein, we should above all strive to enter the next century with a sense of vision, and this vision should include a prudent analysis of the looming challenges of potential Y2K litigation. I assure you that no one wants to begin the next millennium by trading a vision of the future for a subpoena.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I will be very brief. I know the Senator from South Carolina has important remarks to make this morning.

I have joined with Senator MCCAIN in cosponsoring this legislation that comes before the Senate, after voting against the bill that came out of the Senate Commerce Committee. I have done so because there have been at least seven major changes made in the legislation after it came out of committee so that now when it comes before the Senate it is a balanced bill. It is a bill, in my view, that will ensure that innocent consumers are fully protected while at the same time helping to prevent the kind of chaos we could have in our economy if we have scores and scores of unwarranted lawsuits as a result of the Y2K problem.

As we all know, the Y2K issue is not a partisan issue. It affects every computer system that uses date information, every piece of hardware, every piece of an operating support system and all software that uses date-related information. Our goal ought to be to try to bring about Y2K compliance. That is our principal focus. The Senate is already on record in that regard. At the same time, we ought to put in place a safety net to ensure that innocent consumers, particularly small businesses, will have a remedy and will not see their businesses devastated.

I wrap up my brief remarks this morning by outlining a few of the changes that Senator MCCAIN and I worked on with Senator DODD, Senator FEINSTEIN, Senator LIEBERMAN, and others, so that the Senate has a sense of the many changes that have been made to ensure consumers get a fair shake and that are in the bill before the Senate today.

The first that I think is particularly important is we will make sure there is a sunset provision in this legislation. The original bill contained no sunset provision. There were some who said this is just opening up brand new areas of tort law that are going to exist forever, this is just a backdoor effort to hot wire the legal system and ensure that we are restricting liability suits in the future. That is not the future. There is a sunset date to ensure that we are addressing just legitimate problems that have come about as a result of the Y2K failures.

Second, and another area I feel so strongly about, is we ensure, when there are really egregious, outrageous offensive instances of conduct in the private marketplace, fraudulent conduct, that punitive damages will still be available. It is important to us that there not be new preemptive Federal standards in that area. That has been done.

Next, we have made changes with respect to the principle of joint liability. This is especially important where you have defendants who are involved, again, in committing these outrageous acts, essentially fraudulent acts. That is kept in place as well.

So I do believe this is a bill that is targeted specifically at the kinds of problems that are going to be seen if we do not pass a balanced, responsible piece of legislation. This involves business-to-business activity. I suggest to some of our colleagues this has nothing to do with personal injury issues. If someone is injured, for example, as a result of an elevator accident because computers have broken down, and is maimed or killed, all of those personal remedies will lie.

So those are briefly some of the changes since the bill came from committee. We have seen, again, the Senate wants to work in a collegial way on this. My good friend from South Carolina and I have had several spirited discussions on this issue in recent days. He feels very strongly about it. My part of the country has looked at technology as a big part of our economic future. We want to come up with a responsible, balanced bill.

The Senator from Connecticut and I have put on the desks of all Democratic Members of the Senate today a letter which outlines a number of the changes that have been made. We heard earlier Senator KERRY is pursuing some discussions as well. So I am hopeful between now and next week we can have a bipartisan bill that is balanced, that comes before the Senate and builds on the work Senator MCCAIN and I have tried to do since the partisan vote in committee. I look forward to working with my colleagues towards that end, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, with respect to the Y2K problem, it is very interesting to note, the problem has been prepared for technologically, by the very groups they say the bill is to protect, for 30 years. They have the technology. There is no hocus-pocus about that.

I wish everyone would look back about 4 weeks ago and pull out of an edition of Business Week an extensive article to the effect that the market force is working. Large businesses, the GEs, the Ford Motors, the Xeroxes, the IBMs and everybody else, working with their suppliers down the line, have long since put them on notice. I do not have my file with me, but the drop dead date is the end of this particular month, April 1999, where you still have several more months to comply. But the market, knowing the technology is there, knowing of course you are going to be facing this, is trying to, like a Paul Revere, wake the town and tell the people. And they have been doing it. We did it last year, on a bipartisan basis, when we said: ''Wait a minute, if we cannot work these problems out, we will be slammed with antitrust.'' We got together quickly, the Senator from Connecticut and others, and on a bipartisan basis we passed that measure. Everything has been working fine.

I spoke earlier this year—I do not want to mislead—I spoke with my friend, Mr. Andy Grove of Intel, who is very much concerned about proportionality. But other than that, we spent a good hour in my office talking about large computerization and everything else. That community knows. They are way ahead of lawyers and lawsuits, I can tell you that, as the business leaders.

William Gates—Bill Gates, out at Davos, Switzerland, at the conference, said there was no problem. And this past week the New York Times wrote a summary article on the Y2K problem.

Mind you me, this is the middle of April 1999, months ahead, of course, of January 2000. They said people are moving along and everything else. You see, it is a practical problem. There is a bunch of old equipment on hand. Every automobile dealer faces this every year because they are going to bring out another model. So they all know about bringing out new models and everything else like that. Of course the new model needed for 2000 is the Year 2000-compliant model.

But what happens is that a side group has come in, upon this particular concern and interest, not at all interested in the Y2K. We could win this debate hands down on Y2K. But they are interested in distorting the tort liability laws of America. They have been about it and I have been with them for 20 years. There is a wonderful gentleman named Victor Schwartz with the National Association of Manufacturers, and he sends me a wonderful Christmas greeting, thanking me for the wonderful year he has had, because I keep his clients current as long as we can continue to defeat product liability.

But now we have another gentleman who has come over to the Chamber of Commerce named Tom Donohue, and I know him well. I worked with him in the Truckers'. He is coordinating this conspiracy. There is a great problem. ''We have legitimate business folks in the computerization business who are going to front for us. We don't want to argue about taking away the rights of trial by jury that we have beat upon.'' They don't want to have to take on the Association of State Supreme Court Justices and everything else of that kind. ''We want to talk about Y2K, Y2K, Y2K, crisis, crisis, crisis.'' And they even act like there is one, 7 months ahead of time.

My little State of South Carolina just reported they would be compliant in July of this particular year, 1999. If South Carolina can get ready, everybody and anybody can get ready by the year 2000, I can tell you that. But they come in under the auspices of a crisis, to try to change punitive damages, try to change trial by jury, try to change joint and several liability—they are trying to change it all. Anywhere they can get a foot in the door for this particular precedent by this particular Congress under the general phraseology ''tort reform,'' they think they are home free. And I am afraid they would be.

The truth of the matter is, under the present legal system of the States', we are having the finest, most booming economy you have ever seen. The stock market has gone over 10,000, the interest rates are low, the unemployment rate is about the lowest it has ever been in 30 years, and right on down the list. So what you are finding out, right to the point, is that there is not a problem. Business is doing well.

In fact, the analysis done in this particular debate over 20 years has found it has not been greedy trial lawyers bringing fanciful suits with no substance whatsoever, just harassing. Mr. President, the good trial lawyer has no time for that nonsense. He does not get paid until he wins. He has to prevail. He has to come to court, he has to prove his case by the greater preponderance of evidence. He has to get not just 5 or 6 votes, he has to get all 12 votes. Then he has to go through the obstacle course of an appeal to the Supreme Court. Why? Because corporate America continues to get paid as long as the clock runs.

It is a tragic thing that has been occurring in the system of jurisprudence in America, because I practiced law for 20 years and I practiced representing businesses, incorporated and otherwise, but predominantly on the trial side with poor clients. I did not get a recovery unless the client got a recovery.

I was against continuances, against motions, against more depositions, against more discoveries. You see that mahogany-wall, oriental-rug crowd down here. There are 60,000 registered to practice in the District of Columbia trying to fix your vote and my vote, just fixing juries. They will never get to the courtroom. They sit around and tell the clients: Come on, computer industry, we can change the tort system so we can take away the rights of the very group, Mr. President, that it is supposed to protect—mainly small business.

They have the National Federation of Independent Businesses. That is the small business group that the law now protects. Instead, under the bill as proposed, a small business owner will have to wait 90 days before he or she could bring proceedings in court to recover damages. They know at the very beginning what is contracted for and what is wrong, but this requirement is going to delay them, increasing the time and costs of the suit. Then you have to prove various other measures by one of the highest standards of proof, almost like in a civil case. In cases where a party generally is required to prove by a preponderance, they seek to have the standard to be clear and convincing.

I say that advisedly because with this particular system, as it has worked out over the years—come to South Carolina. We had tort reform, but I have, they say, the competitive businesses. I am bringing in the Hondas, the BMWs, as well as the expansion of the GEs and other industries from all over the United States and the world coming into South Carolina where we have a civil statewide tort system.

Actually, these contracts are under the Uniform Commercial Code and ought to be tried on a contract basis. But, no, they do not want to even talk about the defect in the entire measure. The measure is not needed. The measure is misguided. The measure is an adulteration of the system, and bringing it to the Federal level, trying to tell the States—and that is what I hear from the other side of the aisle, that the people back home know best, they keep quoting Jefferson to me, less Government, let the States operate and everything else of that kind. They do that until they get something for big business. Now they want to come in and make sure they can have that clock run, that they can make a fortune, and the little man cannot even afford to bring his particular action.

I have every objection in the world to this measure. I do not mind compromising. I have always dealt with that particular approach for the almost 50 years now that I have been in public service. But I can tell you what this is. This is not Y2K. They have everybody running all around. Look at the morning Washington Post and you will see the different people. It is like: ''Sooey, pig, you come, we got them, we're going to get you to do this, get them to do that,'' and take the person who has made the contract—and right now they can look at their contract and see what is what in April 1999, months ahead of January 1.

They know whether they have the bad model or the right contract, and they know what is going to be required. This really allows an industry to offload all the old stuff and then come in with an adaptation next year that is going to cost over and above the particular computer.

It is bad business. It really distorts the jury system and the tried-and-true system of American jurisprudence. That is why I had to object, because I have been busy on this other farce, this so-called lockbox that allows everybody to have the key but the poor Social Security crowd that is bringing about the surplus. There is not any question about that farce that is going on. They are just trying to make for a TV short in next year's campaign. We are going to make TV spots and show the inaccuracy of it. That is exactly what we have been doing, paying down public debt with Social Security money, thereby running up, up, up and away the Social Security debt. When you pay down someone else's debt with your money, you incur an indebtedness increase in your own program, namely Social Security.

There we are. They are trying their best to ram it through on Y2K, and they are all going around oozing and goozing how reasonable we are and we are trying to work this out. It ought to be killed dead in its tracks. Anybody who is looking out for the individual rights of the small businessman, the little doctor, the little law firm—any little business person who does not keep a lawyer on retainer and they have an instrumentality, namely a computer, that they say is ready to comply, and then they find out it does not comply, that is a breach of contract under the Uniform Contract Code. They can bring that action. Mr. President, unless there is a fraudulent breach, it does not come under tort law, it comes under the contract law.

Incidentally, it is businesses suing businesses. That is the big logjam. Any study, any research done with respect to the actual increase in the volume of lawsuits in America will find businesses suing businesses. I am exhibit 1 on this particular issue, for the main and simple reason, we worked for 4 years to get through the 1996 Telecommunications Act. Once we got it through, rather than businesses doing what they said, namely competing, they all started with their lawyers: It was unconstitutional, take it up to this court—they have all been in court. Why? The ratepayers are paying for the lawyers. It does not cost them any money, and they are going around buying up each other, combining rather than competing.

They have a legal game going, which is in some measure the same thing they had going with AT&T that caused Judge Greene to break it up. It seems to me that we are going to have to break it up again. That is what we are looking at now with the FCC: getting a drop-dead date for them to comply with the law that they wrote.

They do not want to comply. They want to combine. They want to use their monopolistic powers with their lawyers in business. But it is not the poor little injured party in court with a jury trial that is at issue, generally speaking, with respect to Y2K. It is the downtown crowd that is scaring up clients and scaring up fees and scaring up activity against the States.

The States have their own laws. The State of Illinois is well regarded as a place of high jurisprudence, and they do not need the Federal Government coming in and telling them how to protect the little man. Here, under the auspices of protecting the little man, we are going to take away his rights and drag him out, as if he had a lawyer

waiting. It is to discourage the little man's day in court. That is why we will be watching it very closely.

I don't know that this one will be worked out. In all reality, I think we can get the votes—not necessarily on the matter of proceeding. We do not mind proceeding, we are just trying to get the time. We can get the votes on the cloture to kill this measure.

If the computer industry is really serious about it, there may be some compromise, but for this particular Senator, I have no plans at all of compromising on the fundamental constitutional rights of a trial by jury and what the States have developed over many, many years, which is the finest business environment that exists in the world today. Nothing is hurting them. I do not have any of these foreign industries coming in and saying, ''But, Senator, we're worried about product liability, we are worried about joint and several, we are worried about trial by jury, we are worried about all these other punitive damages.'' You do not hear that until you can get politicians running for national office, and then they put it in the polls.

Under ''Henry V,'' Shakespeare said, ''Kill all the lawyers.'' Of course, it was the biggest compliment. The only way that individual rights and freedom could not be sustained is to kill off the crowd that was going to protect individual rights and freedom. So it really was the greatest of all compliments. It was not that they were against lawyers, but they knew how to start anarchy. So that is what they told Dick the Butcher when they shouted, ''Kill all the lawyers.''

That is what you have on Monday when we get to the regular debate. We will see which lawyer crowd we are going to kill off.

I yield the floor.

Mr. LEAHY. Mr. President, the sweeping terms of the bill before us are not justified. Senator MCCAIN's substitute, like the underlying bill, unfortunately, remains a wish list for special interests that are or might become involved in Y2K litigation. The broad liability limitations in the legislation risk rewarding irresponsible parties at the expense of the responsible and the innocent. That is not fair or responsible.

I cannot support such one-sided legislation that restricts the rights of American consumers, small business owners and family farmers who seek redress for harms caused by Year 2000 computer problems.

I remain open to continuing to work with interested members of the Senate on bipartisan, consensus legislation that would deter frivolous Y2K lawsuits and encourage responsible Y2K compliance. In my judgment, today's bill would more likely have the opposite effect. It proposes sweeping liability protection that will encourage more Y2K litigation and discourage curing Y2K problems.

The right approach is to fix as many of these problems ahead of time as we can. Ultimately, the best defense against any Y2K-based lawsuit is to be Y2K compliant.

Let me offer a few examples how this bill would restructure the laws of the 50 states and cause great harm to the nationwide effort to fix our Y2K computer problems in 1999.

First, this bill provides special liability protection to directors and officers of companies involved in Y2K disputes. Why are we doing this? Directors and officers are already protected by the business judgment rule, which has been adopted by each of the 50 states. How will this special legal protection for corporate directors and officers affect the well-established precedents interpreting the business judgment rule in our states?

Moreover, every director and officer of a corporation has standard insurance coverage to protect him or her from personal liability in the course of their duties. Will insurance companies reap windfall profits from this special legal protection for corporate directors and officers? Or should insurance companies rebate the premiums they have charged for existing insurance coverage for corporate directors or officers because it might be superfluous now? Who knows? But these questions will be hot spots for future litigation if this bill becomes law.

Providing special Y2K liability protection to the key decision makers in a company at this juncture sends the wrong message to the business community.

We want to encourage these key decision makers to be overseeing aggressive year 2000 compliance measures. Instead, this bill says to corporate officers and directors: ''Don't worry, be happy.''

I want those corporate officers motivated to fix their company's Y2K problems now. After their corporation is Y2K compliant and they have worked with their suppliers and customers and business partners and we have avoided Y2K problems is the time to be happy.

Second, this bill caps punitive damages to 3 times the amount of compensatory damages or $250,000, whichever is greater. If the defendant is a small business, then $250,000 is the ceiling for any punitive damage award.

These punitive damages caps again send the wrong message to the business community by protecting the bad actor, instead of rewarding the responsible business owner.

The bill contains an exception to these punitive damages caps if a plaintiff can prove by clear and convincing evidence that the defendant intentionally defrauded the plaintiff. This exception will prove meaningless in the real world because no one will be able to meet this high and specific standard for proving the injury was specifically intended. How in the world is a plaintiff going to prove some intentionally tried to injury him or her in a Y2K case? Get real.

Punitive damages are awarded only in cases of outrageous conduct. If a business takes responsible steps to become Y2K compliant, it will not be subject to punitive damages. These caps on punitive damages, like many other parts of the bill, discourage responsible Y2K remediation efforts.

Indeed, by limiting punitive damage to a dollar figure, $250,000, these special legal protections may encourage some companies to analyze the costs and potential risks of Y2K noncompliance and make the calculated business decision not to make the investment needed to come into compliance. The same type of calculation, for example, apparently made by Ford in the exploding Pinto gas tank case.

A cost-benefit approach does not fix a corporation's Y2K problems, but only leads to more litigation. Litigation with punitive damages caps may, in the judgment of the company's accountants, be worth enduring if it costs less than Y2K compliance.

Third, the bill severely restricts the amount of damages that an innocent plaintiff can recover from a guilty defendant by abolishing joint and several liability in most cases. The exceptions to this proportionate liability are so complex that they invited more litigation, not less.

This proportionate liability may unfairly penalize innocent consumers and small businesses and reward irresponsible companies.

For example, a small business forced to shut down temporarily because of a Y2K computer malfunction may not be able to recoup all of its losses under proportionate liability if it fails to identify all the responsible parties that caused that Y2K problem. As a result, that small business may be forced to file for bankruptcy because of its limited resources. Why is the innocent small business owner, who may not know and should not know all the responsible parties in the manufacturing chain of a non Y2K compliant product, forced to go out of business?

Moreover, this bill's many federal preemptions of state contract and tort law are all one-sided. The bill's provisions benefit only defendants, not plaintiffs, in Y2K disputes.

The bill raises the standards of proof from a preponderance test to a clear and convincing test for plaintiffs to prove negligence and other torts claims without any corresponding responsibility on defendants. The bill adds new state of mind requirements on plaintiffs to prove tort claims without any corresponding responsibility on defendants.

The bill also greatly expands the jurisdiction of the federal courts to consider Y2K cases under its class action provisions—an approach soundly rejected last month by Chief Justice Rehnquist and the Judicial Conference. The Judicial Conference found that shifting Y2K cases from state courts ''holds the potential for overwhelming the federal courts, resulting in substantial costs and delays.''

In addition, the Judicial Conference concluded ''the proposed Y2K amendments are inconsistent with the objective of preserving the federal courts as tribunals of limited jurisdiction.'' I ask unanimous consent that a letter from the Judicial Conference opposing this expanded federal court jurisdiction be printed in the RECORD.

Finally, the bill adds a sunset date of January 1, 2016, according to the latest public draft. A bill that stays effective for the next 17 years is not narrow in scope. This sunset date is not reasonable. Is this bill intended to cover year 2015 computer problems?

I agree with Assistant Attorney General Eleanor Acheson who testified at the Judiciary Committee hearing a few weeks ago on similar Y2K liability legislation that ''this bill would be by far the most sweeping litigation reform measure ever enacted.''

So why do we need these sweeping litigation reforms to address year 2000 computer problems? I don't know. The proponents of this legislation have offered no solid evidence to justify these sweeping provisions.

There is no reasonable justification for the sweeping liability protections in this bill because these protections are not reasonable. This bill overreaches again and again. It is not close to being balanced.

Worst of all, this bill as presently drafted would preempt the consumer protection laws of each of the 50 states and restrict the legal rights of consumers who are harmed by Y2K computer failures. Why is this bill taking away existing protections for the ordinary citizen?

We all know that individual consumers do not have the same knowledge or bargaining power in the marketplace as businesses with more resources. Many consumers may not be aware of potential Y2K problems in the products that they buy for personal, family or household purposes.

Consumers just go to the local store downtown or at the mall to buy a home computer or the latest software package. They expect their new purchase to work. But what if it does not work because of a Y2K problem?

Then the average consumer should be able to use his or her home state's consumer protection laws to get a refund, replacement part or other justice. During the Judiciary Committee consideration of similar legislation, I offered an amendment to allow consumers to do just that. I may offer a similar amendment on this bill.

Those of us in Congress who have been active on technology-related issues have struggled mightily, and successfully, to act in a bipartisan way. It would be unfortunate, and it would be harmful to the technology industry, technology users and to all consumers, if that pattern is broken over this bill.

I sense that some may be seeking to use fear of the Y2K millennium bug to revive failed liability limitation legislation of the past. These controversial proposals may be good politics in some circles, but they are not true solutions to the Y2K problem. Instead, we should be looking to the future and creating incentives in this country and around the world for accelerating our efforts to resolve potential Y2K problems before they cause harm.

Last year, I joined with Senator HATCH to pass into law a consensus bill known as ''The Year 2000 Information and Readiness Disclosure Act.'' We worked on a bipartisan basis with Senator BENNETT, Senator DODD, the Administration, industry representatives and others to reach agreement on a bill to facilitate information sharing to encourage Y2K compliance.

The new law, enacted six months ago, is working to encourage companies to work together and share Y2K solutions and test results. It promotes company-to-company information sharing while not limiting rights of consumers. That is the model we should use to enact balanced and narrow legislation to deter any frivolous Y2K litigation while encouraging responsible Y2K compliance.

I am continuing to work with Senators from both sides of the aisle to negotiate a narrow and balanced bill.

Unfortunately, this special interest legislation before us today is not narrow and it is not balanced.

I must oppose it.

Mr. President, I ask Unanimous Consent that a letter received by the Judiciary Committee from the Judicial Conference of the United States be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUDICIAL CONFERENCE OF
THE UNITED STATES,
Washington, DC, March 24, 1999.

Hon. ORRIN G. HATCH,
Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Judicial Conference of the United States, I write to transmit views with respect to pending year 2000 (''Y2K'') legislation. S. 461, as well as S. 96 and H.R. 775, seeks to promote the resolution of potentially large numbers of Y2K disputes. The federal judiciary recognizes the commendable efforts of Congress to resolve Y2K disputes short of full-scale litigation so as to alleviate the burden of such litigation on private parties as well as on federal and state courts. These are clearly laudable public policy objectives.

Some of the provisions, however, will affect the administration of justice in the federal courts. The Judicial Conference, at its March 16th session, determined to oppose the provisions expanding federal court jurisdiction over Y2K class actions in bills (S. 461, S. 96, and H.R. 775) currently under consideration by the 106th Congress. In addition, because the Y2K pleading requirements included in these bills circumvent the Rules Enabling Act, the Conference also opposes these provisions.

CLASS ACTIONS

These bills create no federal cause of action. Instead, they assume that plaintiffs will rely on typical state causes of action to provide relief in Y2K disputes. Under the bills, individual plaintiffs, as opposed to class action plaintiffs, can bring their tort, contract, and fraud suits in a state court where they will remain until resolved. While federal defenses and liability limitations established in the legislation may be raised in such litigation, the bills recognize that state courts are fully capable of applying these provisions and carrying out federal policy. This reliance on state courts, which today handle 95 percent of the nation's judicial business, follows the traditional allocation of work between the state and federal courts.

The provisions of these Y2K bills take a radically different approach to Y2K class actions—one that would effect a major reallocation of class action workloads. These bills create original federal court jurisdiction over any Y2K class action based on state law, regardless of the amount in controversy, where there is minimal diversity of citizenship—that is, where any single member of the proposed plaintiff class and any defendant are from different states. They also provide for the removal of any such Y2K class action to federal court by any single defendant or any single member of the plaintiff class who is not a representative party. While these bills do identify limited circumstances in which a federal district court may abstain from hearing a Y2K class action, it is unlikely that many actions will meet the specified criteria. The net result of these provisions will be that most Y2K class action cases will be litigated in the federal courts.

This assignment of the class action workload to the federal courts is particularly troubling because the Y2K problem may result in a very large number of class actions. While no one knows how many cases will be filed, Senator Robert Bennett, Chair of the Special Committee on the Year 2000 Technology Problem, has predicted that there could be a ''tidal wave'' of litigation resulting from Y2K problems. Given the nature of the Y2K problem, it is reasonable to expect that similar claims will often arise in favor of multiple plaintiffs against the same defendant or defendants. Thus, it can be expected that a substantial portion of these cases will be brought as class actions. Responding to class actions, regardless of where they are filed, will likely be a monumental task. If the current class action provisions remain in these bills, however, the important contribution the state courts would otherwise make to meeting this challenge will be lost, and the burden of the federal system will be correspondingly increased. The transfer of this burden of the federal courts holds the potential of overwhelming federal judicial resources and the capacity of the federal courts to resolve not only Y2K cases, but other causes of action as well.

Federal administration of these state-law class actions will impose other substantial burdens. By shifting state-created claims into federal court, the bills confront the federal courts with the responsibility to engage in difficult and time-consuming choice-of-law decisions. The *Erie* doctrine requires that federal district courts, sitting in diversity, apply the law of the forum state of determine which body of state law controls the existence of a right of action. The wholesale shift of state-law class actions into federal court makes this choice-of-law obligation all the more daunting as the sheer number of possible subclasses and relevant bodies of state law multiples. Some federal courts have taken the position that such multiplicity of law itself stands as a barrier to the certification of a nationwide class action. Even where a district court agreed to certify a class, it would have to make choice of law

and substantive determinations that would have no binding force in subsequent Y2K litigation in the states in question.

In addition to the potential adverse docket impact on the federal courts, the proposed bills infringe upon the traditional authority of the states to manage their own judicial business. State legislatures and other rulemaking bodies provide rules for the aggregation of state-law claims into class-wide litigation in order to achieve certain litigation economies of scale. By providing for class treatment, state policymakers express the view that the state's own resources can be best deployed not through repetitive and potentially duplicative individual litigation, but through some form of class treatment. The proposed bills could deprive the state courts of the power to hear much of this class litigation and might well create incentives for plaintiffs who prefer a state forum to bring a series of individual claims. Such individual litigation might place a greater burden on the state courts and thwart the states' policies of more efficient disposition.

Federal jurisdiction over class action litigation is an area where change should be approached with caution and careful consideration of the underlying relationship between state and federal courts. The Judicial Conference Advisory Committee on Civil Rules has recently devoted several years of study to the rules in class action litigation. One outgrowth of that study was the appointment by the Chief Justice of a Mass Torts Working Group. The Working Group undertook a study which revealed the complexities of litigation that aggregates large numbers of claims and illustrates the need for a deliberative review of the issues that must be addressed in attempting to improve the process for resolution of such litigation. Such issues involve not only procedural rules, but also the jurisdiction of federal and state courts and the interaction between federal and state law. Y2K class action litigation implicates the same complex and fundamental issues that the Working Group identified. Even for familiar categories of litigation, these issues can be satisfactorily resolved only by further study. An attempt to address them in isolation, for an unfamiliar category of cases that remains to be developed only in the future, is unwise.

It may well be that extending minimal diversity to mass torts may be appropriate if accompanied by suitable restrictions. The Judicial Conference, for example, has endorsed in principle the use of minimal diversity jurisdiction in single-event, mass tort situations, like airplane crash litigation, and there may be other situations in which the efficiencies to be gained from consolidating mass tort litigation in federal courts are justified. Expansion of class action jurisdiction over Y2K class actions in the manner provided in the pending bills, however, would be inconsistent with the objective of preserving the federal courts as tribunals of limited jurisdiction and the reality that the federal courts are staffed and supported to function as tribunals of limited jurisdiction.

Judicial federalism relies on the principle that state and federal courts together comprise an integrated system for the delivery of justice in the United States. There appears to be no substantial justification for the potentially massive transfer of workload under these bills, and such a transfer would seem to be counterproductive. State courts provide most of the nation's judicial capacity, and a decision to limit access to this capacity in the face of the burden that Y2K litigation may impose could have significant consequences for the efficient resolution of Y2K disputes.

PLEADING REQUIREMENTS

S. 461, as well as S. 96 and H.R. 775, sets forth specific pleading provisions in Y2K litigation that would require a plaintiff to state with particularity certain matters in the complaint regarding the nature and amount of damages, material defects, and the defendant's state of mind. These requirements are inconsistent with the general notice pleading provisions found in the Federal Rules of civil Procedure (i.e., Rule 8), which apply to civil cases. The bills' provisions bypass the rulemaking provisions in the rules Enabling Act (28 U.S.C. §§2071–77). They have not been subjected to bench, bar, and public scrutiny envisioned under the Rules Enabling Act and are inconsistent with the policies underlying the Act, which the Judicial Conference has long supported.

Not only do the statutory pleading requirements bypass the Rules Enabling Act, they do so in a particularly objectionable way because they are contained in stand-alone statutory provisions outside the federal rules. This will cause confusion and traps for unwary lawyers who are accustomed to relying on the Federal Rules of civil Procedure for pleading requirements. It also would signal yet another departure from uniform, national procedural rules, following closely in the wake of similar pleading requirements contained in the Private Securities Reform Litigation Act.

On behalf of the federal judiciary, I appreciate your consideration of these views. If you or your staff have any questions, please contact Mike Blommer, Assistant Director, Office of Legislative Affairs (202–502–1700).

Sincerely,

LEONIDAS RALPH MECHAM,
Secretary.

MORNING BUSINESS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. I further ask unanimous consent that Senator BINGAMAN be recognized to speak following my remarks, but that before I speak, Senator STEVENS be recognized for a couple of minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

BEYOND THE BOUNDS OF PROPRIETY

Mr. STEVENS. Mr. President, in the past several months when radio personalities—sometimes known as ''shock jocks''—have gone beyond the bounds of propriety, their employers have been quick to dismiss them.

For example, the Charlotte, NC, station just yesterday fired a radio talk show host who made an on-the-air joke about this week's tragedy in Littleton, CO. There was also a Washington, DC, station that immediately fired the ''Greaseman'' for his racist remarks after the tragic dragging death of a Texas man that we all remember.

Now in Chicago we learn of another one of these offensive on-the-air personalities who has stepped over the line. He made insulting remarks against Special Olympians. What he said about these brave athletes is indefensible. What he said was—and it bothers me even to repeat it—

Watch them run, watch them fall, watch them try to catch a ball. Olympics, Special Olympics. Watch them laugh, watch them drool, watch them fall into the pool. That's diving at the Special Olympics. And I know full well that I will burn in Hell, but those guys playing wheelchair basketball gotta be about the funniest—

And the expletive is deleted; they took that out—

thing I've ever seen in my life. [And it is all] at the Special Olympics.

Mr. President, these young men and women have overcome obstacles that we cannot understand. They deserve our applause and admiration. They should not be the targets of juvenile jokes on the public airwaves.

Instead, despite this disgusting display of ill-manners and bad taste, this radio station has refused to fire that shock jock.

Mr. President, I urge all of those who listen to this man in Chicago to call for his immediate dismissal.

I yield the floor.

NATO, KOSOVO AND SLOVENIA

50 YEARS OF NATO & KOSOVO

Mr. VOINOVICH. Mr. President, on Friday, the official recognition of the 50th anniversary of the North Atlantic Treaty Organization, NATO, will begin.

And even as the participants acknowledge 50 years of NATO achievements, a cloud of war hangs over the proceedings.

No doubt NATO's involvement today in Yugoslavia will be the most talked about topic among the attendees.

And as I have stated on this floor, I oppose the introduction of ground troops. I reiterate that opposition today.

As the members gather, it is my fervent hope that they will give their full devotion to those actions that can be done to prevent further bloodshed. I believe there is no greater challenge facing the United States, NATO, and the United Nations than finding a peaceful solution to this current crisis.

NATO must also look to the future to determine what its role will be in the world and what will be the responsibility of its respective members.

And, Mr. President, I would like to draw attention to a recent Washington Post article that gives an excellent historical reference for my colleagues and NATO on the perils of introducing ground troops into the Balkan region. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 14, 1999]

U.S. NATO STUDY WWII YUGOSLAV REBELS

(By John Diamond)

WASHINGTON, (AP).—Pentagon and NATO officials considering ground troop options for Yugoslavia are studying the history of Yugoslav resistance during World War II, when hundreds of thousands of German soldiers

failed to pacify determined guerrilla opposition.

The Nazi campaign was called Operation Punishment, reflecting Adolf Hitler's rage against Yugoslav partisans who overthrew their own government after Belgrade made a pact with Berlin. The campaign was well-named—Yugoslav civilians were attacked with an intensity far beyond anything NATO would contemplate.

In the end, though, the Wermacht took plenty of punishment. And five decades later, the campaign offers lessons for any force reckoning to do battle with the hardy ''South Slavs'' who plagued the German army in a costly guerrilla war.

When NATO first studied ground troop options last fall, Clinton administration planners cited the German experience as one reason to rule out ground troops as an option in the Kosovo crisis.

''We always look at historic campaigns—that's something we always do'' when planning a deployment, said Maj. Shelly Stellwagen, an Army spokeswoman. But she cautioned, ''History alone is not enough—you've got to look at the big picture.''

After insisting for weeks that no plans for ground troops were in the works, top Clinton administration officials now concede that some contingencies were studied and that plans could be activated quickly if NATO decided on ground assault. U.S. lawmakers, frustrated with the continuing ethnic cleansing in the Kosovo province of Yugoslavia despite a three-week NATO air campaign, are pushing a resolution to authorize ground troops.

Pentagon planners said they were careful not to overdo the comparison of two markedly different armies fighting with different equipment in different political contexts. Moreover, Yugoslavia today constitutes a country less then half the size of the one the German army invaded in 1941. But the difficulty of the terrain and the stubbornness of the Yugoslav people remain powerful common denominators, they said.

The German invasion force of nearly 200,000—a figure some U.S. officials have cited as necessary to invade Yugoslavia today—fluctuated after 1941 from a low of 60,000 to a high of 700,000. Through it all, the German were never able to quell the multiple and dogged Yugoslav resistance forces.

An official U.S. Army history of the campaign, written in the early 1950s, contained a warning for any future force contemplating challenging Yugoslavia on the ground.

''The success achieved by the (Yugoslav) guerrillas against the Germans . . . strengthened considerably the tradition of resistance to foreign occupation forces,'' the Army history concluded. ''There is little doubt that a foreign invader today, whether from East or West, would be confronted with a formidable task of pacification following a successful campaign against the regular forces of the Balkan nations.''

As Hitler planned Operation Barbarossa, the German invasion of the Soviet Union, he wanted to secure his southern flank by neutralizing Greece. To do that he needed Yugoslavia's cooperation, and in early 1941 he thought he had it.

But Hitler badly misjudged the sentiments of the Yugoslav people.

A coup in March 1941 toppled Yugoslavia's royal government, setting a precedent that undoubtedly influences the thinking of Yugoslavia's current leadership: Governments that cave in the foreign pressure will be ousted from within.

Hitler, in a rage, ordered the carpet-bombing of Belgrade.

Hitler's War Directive No. 25 said, ''The ground installations of the Yugoslav air force and the city of Belgrade will be destroyed from the air by continual day and night attacks.'' The strikes began 58 years ago this month, on April 6, 1941.

The Germans aimed specifically at killing civilians during 48 hours of near-continuous bombing. Hitler wanted to spare Yugoslavia's factories for his own use. NATO, by contrast, has been seeking to avoid civilian casualties while aiming at destroying Yugoslav military and weapons installations. The Germans used 1,000 attack and escort aircraft in those 48 hours. NATO has employed 700—soon to be 1,000—strike and support aircraft in three weeks of attacks.

Estimated death tolls from the Nazi bombing range widely, but published German and American estimates put the total as high as 17,000.

The German ground invasion consisted of a dozen divisions—roughly 180,000 troops—supplemented by forces from Bulgaria and Italy. German forces completed their conquest of the Balkans in 11 days.

But the lightning conquest only began Germany's troubles in the Balkans.

Despite brutal tactics, summary executions and wholesale burning of villages, German forces assaulted guerrilla strongholds again and again only to see the rebels slip into the hills and forests. By mid-1943, the U.S. Army history recounted, ''It was obvious that more German troops would be required if the Balkans were to be held.''

Total German forces peaked at 700,000 at the beginning of 1943, though many of these troops were either green or battle-weary veterans resting from the Russian front. No precise casualty figures exist for German forces in Yugoslavia.

Belgrade fell to the westward-marching Russians on Oct. 20, 1944.

POLAND, HUNGARY AND CZECH REPUBLIC

Mr. VOINOVICH. Today we have three new members in NATO—Poland, Hungary, and the Czech Republic.

I have long been an ardent supporter of what we use to call ''the Captive Nations.'' There are many events that I remember as mayor of Cleveland and Governor of Ohio where we celebrated the resolve of these people to one day taste the freedoms that we have here in America.

In those days, I often wondered if I would ever witness a free Poland or a free Hungary or other nations hat used to be dominated by the then-Soviet Union. This morning I attended a reception sponsored by the Polish American Congress where Prime Minister Buzek shared with me that the wondered if it would happen in his lifetime that the would see a free and independent Poland—going from the iron curtain to solidarity to NATO.

And let me say—it's just wonderful that these nations now have self-determination and they are making great progress politically and economically from where they were 20 or even 10 years ago.

I am very proud that I was one of those who encouraged the inclusion of these three nations into the NATO alliance.

And as NATO opened its arms to these three nations, I hope NATO will open its arms to take-in the Republic of Slovenia as a member. This would be an additional of particular importance considering the events happening in Kosovo today.

SLOVENIA

I strongly support the NATO membership of the Republic of Slovenia.

As many of my colleagues know, a large number of the countries of central and eastern Europe who formerly were considered ''Warsaw Pact'' nations have struggled economically and politically in the years since the collapse of the Soviet Union.

The former Yugoslavia, with whom we are now at war with, has been one of our greatest foreign policy challenges in recent years.

However, despite facing many of the same challenges that have hampered other states, Slovenia has emerged as the one state in the Balkans that has established itself as the model of our democratic ideals. Slovenia possesses a stable political system, has committed to free market principles and has modernized their armed forces. It is clearly a beacon in the region.

I believe that Slovenia's involvement in NATO would powerfully underscore to the other nations of the region that reforms bring rewards, and that full acceptance by the international community is a real and attainable goal.

Further, and I think this is important, I believe that the Alliance would be strengthened by Slovenia's participation.

And let me just add that I know that my colleague, Senator ROTH has been a champion for the inclusion of Slovenia in NATO and I would be remiss if I did not mention his efforts in that respect.

CANDIDACY FOR NATO

NATO's 1995 Study on Enlargement laid out the general guidelines to be used by NATO member governments during the consideration of additional members.

Candidates must have five qualifications:

(1) free-market economies;

(2) a democratic political system based on the rule of law;

(3) a commitment to the norms of the Organization for Security and Cooperation in Europe (OSCE), including resolution of ethnic and territorial disputes with neighboring countries;

(4) civilian control over militaries; and

(5) the ability to contribute to NATO's collective defense as well as to NATO's new missions.

Since gaining independence from Yugoslavia in 1991, Slovenia has met all of these obligations and has surpassed the standard set for NATO membership established with the invitation of Poland, the Czech Republic and Hungary to the NATO Alliance.

(1) FREE-MARKET ECONOMY

Slovenia has committed to a market economy and enjoys the highest per capita Gross Domestic Product (GDP) in central and eastern Europe. This has given them the highest international credit rating in the region.

In a further indication of Slovenia's economic development, the European Union, EU, began membership talks with Slovenia in March of 1998. A November 1998 Commission report indicated that Slovenia ''can be regarded

as a functioning market economy.'' Clearly, Slovenia has met this candidacy requirement.

(2) DEMOCRATIC POLITICAL SYSTEM

Slovenia has a vibrant parliamentary democracy characterized by peaceful and meaningful political debate. Elections are free, fair, and open. There is an independent judiciary.

As the U.S. State Department's Report on Human Rights Practices for 1998 mentioned, ''the press is a vigorous institution'' and ''in theory and practice, the media enjoy full freedom in their journalistic pursuits.''

Further, the Report states that ''the Government respects the human rights of its citizens, and the law and judiciary provide adequate means of dealing with individual instances of abuse.'' Slovenia has met the NATO candidacy requirement.

(3) COMMITMENT TO OSCE

With regards to Slovenia's role in the international community thus far, it is a member of the Organization for Security and Cooperation in Europe, OSCE, the Council of Europe, NATO's Partnership for Peace and Euro-Atlantic Partnership Council, the World Trade Organization, the International Monetary Fund as well as the World Bank.

Property rights concerns that had existed with Italy were resolved in 1996 with the Association Agreement between Slovenia and the European Union. Slovenia has again met the NATO candidacy requirement.

(4) CIVILIAN CONTROL OVER MILITARY

Since Slovenia had not fielded a military prior to its independence, ensuring civilian control was not as problematic as it might have been otherwise.

Specifically, the armed forces are controlled by the civilian defense minister while the legislative branch plays an oversight role. The NATO candidacy requirement has been met.

(5) ABILITY TO CONTRIBUTE TO NATO'S COLLECTIVE DEFENSE AND MISSIONS

While Slovenia has more than exceeded the other requirements for NATO membership, there have been some criticisms regarding its ability to contribute to NATO's collective defense as well as future NATO missions.

Slovenia's population is just under 2 million people. This reality limits the viable size of its armed forces.

In response to this challenge, Slovenia has focused on developing a professional force that is smaller in size than many of the NATO aspirants but which may be more effective in the field.

To that end, Slovenia has set defense spending at 1.89 percent of its GDP—which I might add is a higher percentage than a number of current NATO member countries. Plans are in place to raise this to 2.3 percent by the year 2003.

Thus far, these monies have largely been spent on air defense, antiarmor weapons and communications equipment that are designed to be interoperable with existing NATO forces and equipment.

While Slovenia's forces are comparatively small in size, they have been actively involved in a variety of international operations over the years. Slovenia is involved in peacekeeping missions in Albania, the NATO-led Stabilization Force in Bosnia (SFOR) and United Nations efforts in Cyprus.

Finally, Slovenia has expressed its willingness to participate in any NATO deployment initiated to promote peace in Kosovo. Again, Slovenia has met difficult challenges to achieve NATO membership and has responded creatively and positively.

ECONOMIC INTEREST TO AMERICA

Let me point out that in addition to these strategic foreign policy concerns, there is a very real economic interest for the United States in bringing Slovenia further into the international community.

During the 1992 through 1997 time period, U.S. exports to Slovenia increased by 197 percent. Over the same period, Ohio's exports have increased a staggering 220 percent.

TRADE WITH OHIO

In an effort to further develop these trade ties, as Governor of the State of Ohio, I had the opportunity to lead two trade missions of business leaders to Slovenia in 1993 and 1995. Soon after these missions, Goodyear Tire & Rubber Company of Akron, OH, made the largest direct U.S. investment in Slovenian history. The inclusion of Slovenia in the NATO community would provide an important incentive for this type of trading relationship in the future.

CONCLUSION

Our nation is on a path to enlarge NATO and ensure that the freedom and prosperity that western Europe has enjoyed for decades spreads to the nations of central and eastern Europe.

With those goals in mind, we must support Slovenia's entrance into NATO. And there is no perfect time than this, the 50th Anniversary of ANTO summit to let the people of Slovenia, as well as the rest of Europe, know that their democratic changes, economic reforms and military modernization will be rewarded with full participation in the international community.

Mr. President, with your permission, I will make a statement in regard to one of Ohio's outstanding citizens who is celebrating his 80th birthday.

The PRESIDING OFFICER. Without objection, it is so ordered.

80TH BIRTHDAY OF CARL LINDNER

Mr. VOINOVICH. Mr. President, today, my dear friend, and one of Ohio's and America's most successful businessmen, Carl Lindner, is celebrating his 80th birthday. I extend to him my sincere best wishes.

Carl got his business start in 1940, founding United Dairy Farmers along with his father and his brothers, Bob and Dick and his sister Dorothy.

From that first beginning, Carl Lindner fine-tuned his business acumen and has never looked back. As he says, ''only in America.'' Today, he is chairman of the board and chief executive officer and founder of American Financial Group, one of our Nation's largest insurance firms.

He is also chairman of the board and CEO of Chiquita Brands International as well as the Great American Group of Insurance Companies.

He is active in a number of organizations and institutions in the Cincinnati area and in Washington.

He is the recipient of numerous awards and accolades—and there are a number of them—including the Golden Plate Award by the American Academy of Achievement in 1978. He is also a 33rd degree Mason and is the recipient of the Van Rensselaer Medal—one of only 14 people worldwide to receive such a distinction.

In 1998, he was awarded the Gourgas Medal, which is the most distinguished honor given by the Supreme Council of the Scottish Rite ''in recognition of notably distinguished service in the cause of Freemasonry, country or humanity.''

A religious man, Carl Lindner has given of himself to those of faiths other than his own. In 1989, the Hebrew Union College awarded Carl the Jewish Institute of Religion Interfaith Award. In 1995 he received the Jewish National Fund's International Peace Award—the highest international honor and award given by the Jewish National Fund.

Carl's civic and business accomplishments run the gamut, from the Friars Club's Centennial Award in 1985 to the National Council of the Boy Scouts of America's ''Silver Beaver'' award in 1995 to the Distinguished Service Citation by the National Conference of Christians and Jews.

He has also been inducted into the Greater Cincinnati Business Hall of Fame and the Junior Achievement National Business Hall of Fame. Further, in 1997, he received the Heritage Award from the Cincinnati Urban League.

Carl Lindner is also a great believer in quality education, and has devoted his time, energy and resources to encourage students and provide them with institutions in which to learn. His service and generosity have earned him three honorary doctorates from Judson College in 1983, the University of Cincinnati in 1985 and Xavier University in 1991. He was also presented with the Lincoln Award from Northern Kentucky University in 1993.

In addition, the College of Business Administration at the University of Cincinnati is housed in Carl Lindner Hall and the school has established the Carl Lindner Annual Medal for Outstanding Business Achievement and a new honors program—the Carl Lindner Honors-Plus program. Xavier University has dedicated the Carl Lindner Family Physics Building. Carl and his

wife Edyth are also major benefactors of Cincinnati Hills Christian Academy, a school founded by their son, Carl Lindner III.

The generosity of Carl and Edyth Lindner has been felt by the Cincinnati Zoo with its Lindner Family Center for Reproduction of Endangered Wildlife, the Museum Center with its Lindner Ice Age Exhibit, the Health Alliance of Cincinnati with its Lindner Center for Clinical Cardiovascular Research Center, and the Scottish Rite with its Lindner Learning Center.

Carl Lindner's success in business is only surpassed by his outstanding service to his fellow man. He is not a man to point to his achievements; people only know a fraction of what he has contributed to the community. He has given to scores of charities that no one knows about, and he gives because he has a tremendous heart. In fact, he goes out of his way to avoid publicity.

I will never forget that when in 1996 the gambling interests in the country were trying to bring casino gambling into Ohio. As the Governor, I didn't think it was in the best interest of the State to have casino gambling, that the liabilities far outweighed the benefits. Those in favor of gambling were spending money like water on advertising. I wanted to oppose it, but I didn't have the money to match even a fraction of what they were spending. I called upon Carl Lindner.

I explained to him the other side of the story on gambling and why we needed to keep it out of Ohio. Fortunately, I didn't have to convince him. He, too, agreed that gambling was not the way for Ohio and he offered whatever assistance we needed to ensure that gambling did not come to our state. The proponents of gambling fought hard, but we fought back thanks to Carl. And we won—two-thirds of the voters rejected casino gambling in Ohio. I will say today on the Senate floor, without Carl Lindner's help we would not have won that battle.

It is because of his selflessness and humility that I felt it important to rise on the Senate floor today to pay tribute to this great American. There are few people in this nation who have the kind of strength of their beliefs that Carl Lindner has, and usually they end at people's wallets, but Carl backs up his beliefs with his support both in time and money. We need more people in this country like Carl Lindner.

And one more thing that impresses me about Carl is his relationship with his wonderful family. Carl rejoices in his marvelous family, his children and particularly his wife, Edyth. Edyth has been a wonderful partner of his over the years, and they have a great marriage. And I know Carl is especially proud of his sons. As a father, I understand that so often the successes of our children surpasses anything we do in our own right.

Mr. President, there are few Americans I know who have done as much and have given as much to their nation as Carl Lindner. I have been truly blessed with his friendship and I am inspired by his warmth and humility, and Mr. President, if you look up humility in the dictionary, there should be a picture of Carl Lindner. May Carl and his beloved family celebrate many more birthdays together.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 864 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BINGAMAN addressed the Chair.

YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT ACT AND THE CHILDREN'S DENTAL HEALTH IMPROVEMENT ACT

Mr. BINGAMAN. Mr. President, I want to make a very short comment on two measures that comprise a basic cornerstone for the efforts that I made to ensure that the fundamental needs of children in my State of New Mexico and throughout the country are met.

The basic idea here is that children have to have, if they are going to grow into full and honorable adulthood, access to quality, affordable health care. A child who is sick cannot go to school, and cannot be expected to learn in school, and cannot be expected to grow up and thrive and go on to be a productive citizen. In New Mexico, we have a particularly compelling case because the Children's Defense Fund, this last year, identified our State as having a higher number of uninsured children than any other State in the Union—uninsured for health care insurance. Consequently, I have two measures that try to address this need.

The first deals with a problem that has sadly become an epidemic in New Mexico; it is the Youth Substance Abuse Prevention and Treatment Act. This is designed to increase access to drug prevention and treatment services for young people in the country.

Second is the Children's Dental Health Improvement Act, which is designed to increase access to dental services for young people, particularly young people who are eligible to participate in Medicaid.

Mr. President, I will be introducing both of those bills and I commend them to my colleagues. I hope they will also get a full hearing this Congress and that we can enact them into law and send them to the President as well.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Bryan Giddings, Kelly Maher, Leesa Washington, Suzanne Matwyshen, and Jordan Coyle be granted floor privileges for the duration of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 868 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.''

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the pending parliamentary situation?

The PRESIDING OFFICER. The Senate is conducting morning business and Senators may speak for up to 15 minutes each.

Mr. LEAHY. I thank the distinguished Presiding Officer. I believe this is the first time I have spoken when the Senator from Illinois has been in the Chair. I appreciate the opportunity.

SCHOOL VIOLENCE

Mr. LEAHY. Mr. President, we are all grieving again for victims of school violence. Pearl High School in Pearl, MS; Heath High School in West Paducah, KY; Westside Middle School in Jonesboro, AR; Parker Middle School in Edinboro, PA; Lincoln County High School in Fayetteville, TN; Thurston High School in Springfield, OR; and Columbine High School in Littleton, CO.

The President spoke for all Americans Tuesday night when he expressed the shock and sadness of the Nation. He spoke about reaching out to our children and our prayers for the families of those who have suffered loss.

I heard Senator KENNEDY reach out to the families yesterday from the Senate floor. I commend Senator DASCHLE also for his thoughtful statement. I know other Senators from both sides of the aisle have spoken to this tragedy, as well.

This morning, my wife and I watched on television one of the most painful and difficult interviews I have ever watched. The father of a young African American boy killed in Colorado spoke of his hopes and dreams for his son. Sitting next to him was another student, who is white and who recounted how his classmate and friend, an African American, had died, how he had been selected because he was black and because he was an athlete. To compound the tragedy, the young man who had spoken also recounted the fact that his own sister died in the shooting. It ended with the African American father holding the hand of the

young student, each trying to comfort the other, each seeking solace in their faith, but each at a loss, as we are, to what might have caused this terrible, terrible event.

How could students be picked out to be murdered because they were athletes, or because of the color of their skin, or because they happened to be wearing a certain kind of clothes? What kind of nihilistic aberration causes something like this to happen? What causes a person to do that? What causes the kind of behavior around the world where people die because of their faith, because of their color, because of who they are, their ethnic background?

I suggest the Senate pause for a moment in the wake of this tragedy and rededicate ourselves to the work ahead and turn our attention to these matters.

I serve on the Judiciary Committee and we spent a lot of time this week and this past year on a proposed flag amendment to the Constitution. We spent a lot more time on that than we have on school violence. We held three hearings on a proposed constitutional amendment within the last year. We have held none on the tragic school incidents that have occurred throughout the country. We ought to reconsider the agenda of that committee, maybe even of the Senate.

We have become so polarized and so politicized in this Senate—more than I have seen at any time in my 25 years here. We do no good to the country, Republican or Democrat, if we allow that to continue. We ignore the real problems of this Nation when we allow that.

We are going to devote our time in the Senate to an artificially truncated debate of proposals to limit corporate liability for Y2K problems because the business lobby wants us to do that. Yet we cannot have a full debate on the needs for a real Patients' Bill of Rights, something that would affect not a special interest group, but every single American.

The Senate will turn to a bankruptcy bill to help financial institutions extract additional payments from consumers forced into bankruptcy instead of considering a much needed increase in the minimum wage.

The majority leader has indicated that we will be debated on the proposed constitutional amendment to cut back on the first amendment for the first time in our history to make a symbolic statement against flag burning, because that will be popular. Mr. President, no flags were burned at Columbine High School earlier this week, but children and a teacher died at Columbine High School. That is the reality.

We should start applying ourselves to substance and not symbols in the Senate. Let the reality get past the rhetoric. We all need to redouble our efforts to find ways to help parents and State and local authorities on matters of school safety. We need to redouble our efforts to help local law enforcement keep our streets safe. After 3 years in which we have missed opportunity after opportunity to cooperate in a bipartisan way on these matters, it is long past time to put partisanship aside and work together with the administration to make progress in prevention and security that remains so desperately needed.

We are all Americans in this—not Republicans and Democrats. Let's set partisanship aside for a change. How many Senators, as parents, worry when our children go to school? How many of the staff and the visitors in our galleries have children who go to school and now are terrified and worried and are almost afraid to hear the phone ring?

We all know the Federal Government and Federal law cannot solve the problem of school violence or local crime, but we should at least help or make help available. I know the Federal Government has been providing assistance in Littleton; victims services and counselors are being provided. I am proud of the efforts that have been made by the Office for Victims of Crime in coordination with States and local assistance providers. A special reserve fund from my 1996 amendment to the Victims of Crime Act is available to help. These are concrete initiatives, not symbolic things.

I want to praise President Clinton for having convened the October 1998 White House Conference on School Safety, and those people, Republicans and Democrats alike, who joined with him. We are working with him to provide additional community police and school resource officers across the country. In addition, the Attorney General, the Secretary of Education, and the Surgeon General are all working on additional initiatives.

Over the last several years, I have sponsored legislation in this area with Senator BIDEN, Senator KENNEDY, Senator DASCHLE, Senator BINGAMAN and a number of others. A lot of that legislation has never even been considered in our committee, although we were able to incorporate pieces of it in measures that have been enacted. We reintroduced, again, on the first legislative day of the session one of the Democratic priorities, S. 9, the Safe Schools, Safe Streets, and Secure Borders Act of 1999, which builds on the successful programs we implemented in the 1994 crime law, but also addresses emerging crime problems.

It is a comprehensive and realistic bill. We tried to avoid the easy rhetoric about crime that some have to offer in this crucial area. Instead, we put in legislation that might make a difference. The Safe Schools, Safe Streets, and Secure Borders Act targets violent crime in our schools, it reforms the juvenile justice system, combats gang violence, cracks down on the sale and use of illegal drugs, enhances the rights of crime victims, and provides meaningful assistance to law enforcement officers.

Title I deals with proposals for combating violence in the schools and punishing juvenile crime. It gives technical assistance to the schools, reforms the juvenile justice system, and assists States for prosecuting juvenile offenders, but it also protects children from violence, including violence from the misuse of guns.

It includes Senator BINGAMAN's proposal for a School Security Technology Center, an inventive proposal building upon expertise from the Sandia National Labs. There are a lot of very real things in it.

It is short on rhetoric. It is strong on reality. This is a law that could work. It could be done without federalizing juvenile offenses. It follows what many from the Chief Justice on through have said is important.

Our bill contains important initiatives to protect children from violence, including violence resulting from the misuse of guns. Americans want concrete proposals to reduce the risk of such incidents recurring. At the same time, we must preserve adults' rights to use guns for legitimate purposes, such as home protection, hunting and for sport. The bill imposes a prospective gun ban for juveniles convicted or adjudicated delinquent for violent crimes. It also require revocation of a firearms dealer's license for failing to have secure gun storage or safety devices available for sale with firearms. The bill enhances the penalty for the violation of certain firearm laws involving juveniles. In addition, the bill authorizes competitive grant programs for the establishment of juvenile gun courts and youth violence courts.

The bill would also make important reforms to the federal juvenile system, without federalizing run-of-the-mill juvenile offenses or ignoring the traditional prerogative of the States to handle the bulk of juvenile crime. One of the significant flaws in the Republican juvenile crime bills last year was that it would have—in the words of Chief Justice Rehnquist—''eviscerate[d] this traditional deference to state prosecutions, thereby increasing substantially the potential workload of the federal judiciary.'' The Chief Justice has repeatedly raised concerns about ''federalizing'' more crimes. The Democratic proposals for reform of the Federal juvenile justice system heed this sound advice and respect our Federal system.

Our bill authorizes grants to the States for incarcerating violent and chronic juvenile offenders (with each qualifying State getting at least one percent of available funds), and provides graduated sanctions, reimburses States for the cost of incarcerating juvenile alien offenders, and establishes a pilot program to replicate successful juvenile crime reduction strategies.

Also directly relevant is Title IV of the bill, which includes a number of prevention programs that are critical to further reducing juvenile crime. These programs include grants to

youth organizations and ''Say No to Drugs'' Community Centers, as well as reauthorization of the Runaway and Homeless Youth Act, Anti-Drug Abuse Programs and Local Delinquency Prevention Programs. Additional sections include a program to establish a competitive grant program to reduce truancy, with priority given to efforts to replicate successful programs.

The bill would also reauthorize the Juvenile Justice and Delinquency Prevention Act (JJDPA) in a similar fashion to H.R. 1818, a bill passed by the House with strong bipartisan support in the last Congress. This section creates a new juvenile justice block grant program and retains the four core protections for youth in the juvenile justice system, while adopting greater flexibility for rural areas.

Last year, the Senate Republicans tried to gut these core protections in their juvenile crime bill, S. 10. This Democratic crime bill puts ideology aside, and follows the advice of numerous child advocacy experts—including the Children's Defense Fund, National Collaboration for Youth, Youth Law Center and National Network for Youth—who believe these key protections must be preserved in order to protect juveniles who have been arrested or detained. These core protections ensure that juveniles are not housed with adults, do not have verbal or physical contact with adult inmates, and any disproportionate confinement of minority youth is addressed by the States. If these protections are abolished, many more youth may end up committing suicide or being released with serious physical or emotional scars.

I previously described the other titles, programs and initiatives of the Safe Schools, Safe Streets, and Secure Borders Act when we introduced it. It is a comprehensive and realistic set of proposals for keeping our schools safe, our streets safe, our citizens safe when they go abroad, and our borders secure. I look forward to working on a bipartisan basis for passage of as much of this bill as possible during the 106th Congress and to working with the Administration, with the Department of Justice and with the Department of Education to do what we can to be helpful in the continuing school safety crisis.

Why I am here today is to join with the Democratic leader in his call for a ''thoughtful discussion about how to shape a comprehensive national response to the problem of violence in our schools and in our communities.'' I commend him for including the Safe Schools, Safe Streets, and Secure Borders Act on the priority list that he sent to the majority leader on Monday.

From a personal observation, I recall one time when my children were young, they were in grade school, and I was a prosecutor. Without going into all of the details, a very credible threat was made against me and my family. In fact, one that, had the person been able to carry it out before being apprehended, all of us would have died. I recall during that time, when the police were coming to me and saying, we will set up this cordon of armed police officers around you, my only concern, and the natural concern of any parent, was for my children; I recall even today the terror I felt in my heart and soul.

I remember today, almost 30 years later, how I felt until I knew they were safe. They were young children. They saw the police officers coming to school to pick them up and for them it was a lark, they were getting out of school early. For their mother and me, it was a matter of some great concern.

Think how parents around this country feel today when they kiss their children goodbye in the morning, and virtually all of them will come back safely, but every parent has to have in his or her soul the thought, what if they don't come back? How does a parent live through this? How do the other students ever go back to a school where this has happened? What about our young people themselves, when they read about this or see this and wonder are they next?

There are two areas of great violence in the world today. One we see unfolding in the former Yugoslavia, where the United States and our NATO allies are trying to stop a person who is exercising war crimes that we have not seen in that part of the world since the time of Hitler. We see the people who are suffering there. Yet some respond by seeing who can get out the best sound.

Then we see this in Mississippi, Kentucky, Arkansas, Pennsylvania, Tennessee, Oregon and Colorado—enough variety of States to tell every one of us that our own State and our own community is not immune.

We are still tempted to dwell on symbols. Symbols do not stop this; substance does. It is not symbolic to set up programs that we know will work, that will allow teachers and parents and police and others to work with students to stop something from happening. That is the key. It is not to respond afterward—and we will respond. We are sending out counselors and investigators and everybody else to Colorado now. How much better, though, if we could respond before it happens.

So I ask Senators when they go home this weekend, pause and think: Do we help solve the problems of Littleton, CO, or the problems of Kosovo, or the problems that face our great Nation, by continuing heavy, destructive, unnecessarily partisan actions in the Senate and in the other body? Or do we come back together, as we have so many times in the past, Republicans and Democrats alike, admit the United States faces many crises and that we solve them only by working together, not in seeking short-term political gain?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

GUN CONTROL

Mr. SCHUMER. Mr. President, first let me commend the Senator from Vermont for his remarks. As always, they are considered and thoughtful and right to the point. His career and legislation has been just the same way. I consider myself, as always, privileged to be here to listen to his remarks. I thank the Senator. I also thank the Senator from Maine for her courtesy, allowing me to make these brief remarks before she makes hers.

Mr. President, as we remain transfixed and horrified by the images of Littleton, as we listen to the stories of the survivors and hear the sobs of the families of the victims, we can feel that America is looking to Congress to do something to keep lethal weapons out of the hands of kids. This morning I watched television as did millions of Americans. My eyes filled with tears, listening to the families of the students talk about their ideal, and to hear them ask what can be done. Since time began, there have been troubled teenagers. We have always sought to help them through their families, through spiritual leadership, through schools. That is nothing new. But what is new today is that it is far too easy for a disturbed young person to get his hands on a gun or a bomb and channel his anger into carnage.

Mr. President, 25 years ago all an angry, troubled teenager had was his fists. Scores of students were not killed when that troubled boy vented his rage. Today we live in a different world. It is no coincidence that the tragedies that we have heard and read about throughout the last year did not occur 10, 15, and 20 years ago with this kind of horror, with this kind of frequency.

In Littleton, we do not know how these two teenagers managed to get their guns. We don't know if they took the guns from their parents or stole them from a neighbor. We don't know if they bought them at a gun show or if they bought their guns off the Internet, although certainly they were immersed in a computer fantasy world, and there are dozens of web sites that offer guns to anyone, anywhere, no questions asked.

We know that gun control alone is not the only solution. We need better counseling in the schools. We have to be more vigilant at identifying and condemning hate groups in schools. But, my colleagues, let us not kid ourselves. It is not possible to confront the epidemic of violence in our schools without dealing with guns.

Yesterday there was a shift in the gun debate that I have never seen before in my career in Congress, and it gives me a glimmer of hope that maybe we can do something to make schools safer. Yesterday, pro-gun lawmakers of Colorado, Florida, and Illinois each withdrew their legislation which would have made it easier for people in those States to buy and/or carry firearms.

They did it because of Littleton. They did it because they know that the

easy availability of guns is part of the problem. They put a stop to their own legislation.

Yesterday, the National Rifle Association scaled back its annual convention, which is to be held in 2 weeks. It will not admit it, but the NRA did it because of Littleton. It will not admit that it is simple common sense that rational gun control equals fewer Littletons, but in its collective heart, the NRA knows that that is true.

So in a small but significant way, the NRA has changed. Now we have to change. Congress has to wake up. America's mothers and fathers are looking to us. To my Democratic and Republican colleagues, many of whom have traditionally opposed gun restrictions, we can pass reasonable, targeted, measured laws that make guns safer and keep them away from kids but still respect people's right to bear arms.

I would like to mention several of these modest measures, measures that will make a great deal of difference and have little or no impact on the people in your State who hunt, who target shoot, who own guns for sport, collection, or protection.

We should pass the parts of either the Kennedy or the Durbin legislation which require adults to safely store their handguns and rifles in their homes. Nearly every day, some kid takes their parent's gun and does something horrible with it. Why? Because half the families who own guns do not lock them away or leave the gun unloaded. We can change that, and we should change that. No one will be harmed, and no one will be inconvenienced.

We have to ban the unlicensed sale of guns on the Internet. It is numbing what a kid can buy simply by going on line and searching gun web sites—handguns, semiautomatic weapons, ammunition feeders; everything is available with no questions asked. This morning, a parent came up to me and said he asked his son how kids get guns. His son answered, without a blink of the eye: ''On the Internet.''

I have a bill which will stop that. It will have no effect on law-abiding gun owners or licensed gun dealers. Ask yourself: Who needs to buy a gun with no questions asked? The answer is only two groups—kids and criminals. Let's pass this bill.

We should also bring public and private dollars together to develop smart guns. These are guns which contain a device that permits only the owner to fire the weapon. Imagine a gun that is useless when it is stolen, taken without authorization, or sold on the black market. It can be done. The technology is available. I will talk more in the next week about ways we can bring gun makers and the military together to develop a gun that is safe. This could transform the gun industry and make us all rest easier.

Finally, and in the meantime, let's make a strong, secure trigger-lock requirement on all guns. Every car has a seat belt; every gun should have a lock.

Mr. President, each of these measures will make schools, homes, and neighborhoods safer without denying a single law-abiding citizen the right to buy the gun of their choice. How can anyone oppose that?

In conclusion, every time we tune in and see another group of innocent children fleeing from school, we pray that it will be the last time. We can help make our prayers come true. America is waiting for us to do what is right and necessary to keep guns out of the hands of kids. Let's not let them down.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 870 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

MTBE IMPORTS AFFECT U.S. ENERGY SECURITY

Mr. DASCHLE. Mr. President, we are approaching the tenth anniversary of the birth of the reformulated gasoline (RFG) program. This initiative, enacted in 1990 as part of the Clean Air Act Amendments, established strict fuel quality standards for the nation's most polluted cities in order to reduce air pollution. It includes a minimum oxygen content requirement, which was intended to provide an opportunity for America to reduce its dependence on foreign oil through the use of domestically produced ethanol and MTBE.

Reformulated gasoline was introduced in the American marketplace in 1995. Today it accounts for approximately one-third of all gasoline sold in this country.

Congress had several objectives in establishing the RFG program: (1) to substantially reduce harmful air pollutants caused by fuel-related emissions, especially ground level ozone and air toxics; (2) to reduce imports of crude oil and petroleum products, especially those from unstable regions like the Middle East; and (3) to stimulate investment in domestic ethanol and ether plants, thus creating jobs and adding value to grains and other domestic raw materials.

The first objective has been not only met, it has been exceeded. In fact, EPA Administrator Carol Browner has called the RFG program ''the most successful air pollution reduction program since the phase-out of lead in gasoline.'' The other two objectives also have been met, though not to the extent that many of us had hoped.

A major impediment to full realization of the potential of the RFG program has been the importation of massive volumes of MTBE, much of it subsidized by the Saudi Arabian government, into the United States. Domestic ethanol and MTBE producers have been harmed, and American plants have not been built, largely due to the influx of subsidized product from offshore that makes potential investors unwilling to commit capital to U.S. ethanol and ether plants.

The winners in this situation are the Saudi government and a few multi-national corporations. The losers are U.S. corn farmers, butane suppliers and plant workers as well as American consumers who remain potential hostages to foreign energy suppliers.

Mr. President, the benefits of the RFG program have been substantial. However, as we prepare to enter Phase II of the program, it is incumbent upon policymakers to reflect upon whether it is achieving its potential in terms of air quality improvements and oil import reductions.

It seems clear that the answer to the first question is ''yes.'' RFG is generating substantial air quality benefits and even exceeding the predictions that many had made when the original rules were written.

The answer to the second question, however, is a resounding ''no.'' Imports of Saudi Arabian MTBE are growing, and the exclusionary effect of unfairly traded MTBE imports on ethanol usage in key markets such as California has become increasingly problematic.

On April 1, 1999, the International Trade Commission (ITC) held a public hearing on its Investigation No. 332–404, concerning MTBE imports and their impact on the domestic oxygenate industry. This inquiry is timely and important. It will cut through the rhetoric, provide policymakers with a clear picture of the nature and effect of MTBE imports on domestic production and U.S. energy security, and set a factual foundation for discussion of what, if anything, should be done about this situation.

With those objectives in mind, I commend to my colleagues attention the testimony presented before the ITC by Bob Dinneen, Legislative Director of the Renewable Fuels Association, and Todd Sneller, Executive Director of the Nebraska Ethanol Board, that underscores the damage that has been done by unfairly traded MTBE imports. Mr. Dinneen and Mr. Sneller present cogent analyses of the impact that increasing volumes of heavily subsidized MTBE are having on the domestic oxygenates industry. Their testimony should be a warning to us all.

I ask unanimous consent that the testimony of Mr. Dinneen and Mr. Sneller be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF BOB DINNEEN, LEGISLATIVE DIRECTOR, RENEWABLE FUELS ASSOCIATION

Mr. Chairman and members of the Commission, on behalf of the members of the Renewable Fuels Association, the national trade association for the domestic ethanol industry, I want to thank you for the opportunity to provide comments today on the Commission's investigation of MTBE. Ethanol and MTBE are competitive additives to gasoline that increase octane and oxygen to

fuels, resulting in dramatically reduced emissions. As such, the domestic ethanol industry is directly and negatively impacted by the importation of subsidized MTBE, and we commend the Commission's decision to investigate this issue.

Ethanol is a renewable fuel produced from corn and other agricultural feedstocks. Today, ethanol is the third largest user of corn, behind only feed and export markets. Virtually all ethanol consumed in the U.S. is produced domestically. Last year, the U.S. ethanol industry processed approximately 560 million bushels of grain into 1.4 billion gallons of fuel ethanol at 53 plants located in 20 states. A report completed for the Midwestern Governors' Conference, The Economic Impact of the Demand for Ethanol, concludes that the ethanol industry: increases net farm income more than $4.5 billion; boosts total employment by 195,000 jobs; improves the balance of trade over $2 billion; adds over $450 million to state tax receipts; and results in a net savings to the Federal budget of more than $3.5 billion.

Background: Since the twin oil supply shortages and price shocks of the 1970's, promoting increased energy security has been a national priority. Toward that end, beginning with the National Energy Security Act of 1979, the Congress has worked to stimulate the production and use of domestically-produced alternative fuels. As noted by the U.S. Senate Committee on Energy and Natural Resources:

''Increased dependence on oil imports means, inevitably, increased dependence on the nations of the Persian Gulf. The potential for economic disruption and war in the event of interruptions in Persian Gulf supplies will increase...

''If the projected United States dependence on Persian Gulf oil materializes, not only will the probability of economic disruption and war increase, but policies available to the United States to deal with political turmoil in the world, including the Mideast, will be affected.''—S. Rep. No. 72, 102nd Cong., 1st Sess. at p. 204.

In 1990, the Congress extended its commitment to the development of domestic energy resources by passing the Daschle/Dole amendment to the Clean Air Act requiring refiners to add certain levels of oxygen to new reformulated gasolines. A critical rationale for the oxygen requirement was the energy security benefits attributable to the increased use of ethanol and other domestically-produced oxygenates. At the time, more than 400,000 troops were stationed in the Persian Gulf, in large part to protect the free flow of oil from the Mideast. The U.S. Environmental Protection Agency estimated the oxygen requirements of the Clean Air Act would reduce energy imports by 500,000 to 800,000 barrels per day. Consider these statements by proponents of the RFG program:

''I support this amendment because it will reduce the toxic aromatics currently used to boost octane in gasoline; it will reduce ozone-forming automobile emissions; it will begin to reduce our dependence on imported oil; and it will enhance rural and farm economies. [136 Cong. Rec. S3522 (Statement of Senator Kent Conrad)(daily ed. March 29, 1990)]

''The second thing we ought to recognize is this is the only part of the bill that helps our extraordinary dependence on imported oil.'' [136 Cong. Rec. S3519 (Statement of Senator Tim Wirth)(daily ed. March 29, 1990)]

But the promise of increased market opportunities for ethanol in the RFG program has been undermined by the unanticipated and rising levels, of MTBE imports. EPA data shows that despite the intention that ethanol market opportunities be significantly expanded in RFG, ethanol has actually garnered just 12% of the RFG market, primarily in Chicago and Milwaukee. In coastal RFG markets where MTBE is readily imported, ethanol has virtually no market penetration.

At the same time, the RFG program has proven a boon to imported MTBE. MTBE imports have risen from just 30 million gallons in 1990 to more than 1.4 billion gallons in 1998. Moreover, the majority of MTBE imports are from Saudi Arabia and other OPEC countries. In 1997, 70% of U.S. imports of MTBE came from Saudi Arabia and other OPEC countries. Imports now represent a third of U.S. MTBE consumption, and is roughly equal to U.S. merchant production.

To respond to these alarming levels of MTBE imports, particularly from Saudi Arabia Senate Democratic Leader Tom Daschle (SD) has introduced legislation that would require the Commerce Department to investigate, under Section 702 of the Tariff Act of 1930, whether Saudi Arabia has provided unfair subsidies to its exporters of MTBE, giving them an unfair market advantage in the U.S. oxygenate market. If it is determined to be so, S. 2391 would impose an import fee large enough to offset the subsidiaries. The RFA supporters S. 2391, as MTBE imports have increased U.S. dependence on foreign supplies at the expense of domestic oxygenate producers.

The following is a break-down of 1998 MTBE production and imports:

1998 MTBE PRODUCTION

Source	Production b/d	Annual gals (billion)
Merchant Plants	103,000 b/d	1.5
Captive Plants [1]	102,000 b/d	1.5
Imports	90,000 b/d	1.4
Total	295,000 b/d	4.4

[1] A captive plant refers to MTBE produced at refineries, used by those refineries for octane trimming and is not available for merchant oxygenate or octane markets.

Source: Energy Information Administration.

In the absence of such precipitous MTBE import level, the domestic ethanol industry would have been able to double in size—creating more domestic jobs, providing increased rural economic development and further enhancing our balance of trade.

MTBE DUTY RATES

An important issue for the Commission to consider is the variable duty rates paid on MTBE. There are currently three classifications of the Harmonized Tariff Schedule (HTS) under which MTBE may be imported: as a motor fuel (2710.00.15); as MTBE (2909.19.14); or as a gasoline additive (3811.90.00). Each classification has a different duty rate. Current HTS duty rates for each classification are as follows:

Product	HTS classification	General rate of duty
Motor Fuel (RFG)	2710.00.15	52.5¢/bbl (1,25¢/gal).
MTBE	2909.19.14	5.5% ad valorem (approx. 5¢/gal).
Gasoline Additives	3811.90.00	2.2¢/kg & 10.8% ad valorem (approx. 11.6¢/gal) [1].

[1] Assumes $0.90 cost and .74 kg. weight of MTBE.

It is becoming clear the MTBE is increasingly being imported under the HTS classification for motor fuel. According to the Energy Information Administration, 66,000 b/d of MTBE was imported last year. But an additional 24,000 b/d of MTBE was imported in finished RFG. (Assumes MTBE at 11% by volume to meet federal 2.0 wt.% oxygen requirement in RFG.) This compares to 74,000 b/d as MTBE and 18,000 b/d as RFG in 1997. Thus, the trend is to import more MTBE as finished RFG, and pay the reduced duty. Moreover, according to DeWitt & Company, an MTBE industry trade publication and research group, the actual amount of MTBE imported in finished gasoline could be much higher. That is possible because importers could overblend MTBE for shipment and blend down to meet U.S. RFG oxygen specifications at the gasoline terminal. It is, in effect, a means of circumventing the duty on MTBE. It should be stopped.

MTBE IMPORTS

Year	MTBE	MTBE in RFG (assumes 11% by volume)	Total
1997	74,000 b/d ...	18,000 b/d +	92,000 b/d +

MTBE IMPORTS—Continued

Year	MTBE	MTBE in RFG (assumes 11% by volume)	Total
1998	66,000 b/d +	24,000 b/d +	90,000 b/d +

Thus, under current law refiners importing MTBE in RFG are short-changing the Treasury at least $16.5 million annually (24,000 x $0.90 x .05 x 42 [42 gallons/barrel] x 365) by importing MTBE under the motor fuel classification.

OXYGENATE TYPE ANALYSIS 1997 RFG SURVEY DATA

Area	Percent of samples with majority of oxygen from [1]				
	MTBE	Ethanol	ETBE	TAME	Combo/ other [2]
Atlantic City, NJ	97.47	1.27	0.00	1.27	0.00
Baltimore, MD	98.94	0.00	0.00	1.06	0.00
Boston-Worcester, MA	95.93	1.74	0.00	2.33	0.00
Chicago-Lake Co., IL, Gary, IN	5.84	94.16	0.00	0.00	0.00
Dallas-Fort Worth, TX	100.00	0.00	0.00	0.00	0.00
Hartford, CT	98.44	1.56	0.00	0.00	0.00
Houston-Galveston, TX	92.73	0.00	0.00	6.57	0.69
Los Angeles, CA	100.00	0.00	0.00	0.00	0.00
Louisville, KY	74.75	25.25	0.00	0.00	0.00
Manchester, NH	100.00	0.00	0.00	0.00	0.00

OXYGENATE TYPE ANALYSIS 1997 RFG SURVEY DATA—Continued

Area	Percent of samples with majority of oxygen from [1]				
	MTBE	Ethanol	ETBE	TAME	Combo/ other [2]
Milwaukee-Racine, WI	4.60	95.40	0.00	0.00	0.00
NY-NJ-Long Is.-CT	98.93	1.07	0.00	0.00	0.00
Norfolk-Virginia Beach, VA	100.00	0.00	0.00	0.00	0.00
Phila.-Wilm, DE-Trenton, NJ	98.69	0.65	0.00	0.98	0.00
Phoenix, AZ	49.18	50.82	0.00	0.00	0.00
Portland, ME	100.00	0.00	0.00	0.00	0.00
Poughkeepsie, NY	97.76	2.24	0.00	0.00	0.00
Rhode Island	98.82	1.18	0.00	0.00	0.00
Richmond, VA	100.00	0.00	0.00	0.00	0.00
Sacramento, CA	100.00	0.00	0.00	0.00	0.00
San Diego, CA	100.00	0.00	0.00	0.00	0.00
Springfield-MA	98.20	1.80	0.00	0.00	0.00
Washington, D.C. area	98.07	0.00	0.00	1.54	0.39

[1] RFG Survey samples taken at retail gasoline stations. Categorization based on the oxygenate providing more than 50% by weight of total oxygen in a sample.

[2] The ''Other'' category is composed of samples containing combinations of oxygenates with no single oxygenate providing more than 50% of total oxygen.

COMMENTS SUBMITTED BY: TODD C. SNELLER, ADMINISTRATOR, NEBRASKA ETHANOL BOARD

BACKGROUND

The Nebraska Ethanol Board is a state agency established in 1971 by Nebraska statute. The board is directed to assist the private sector in establishing ethanol production facilities; promote air quality improvement programs; establish marketing procedures for ethanol based fuels; and sponsor research related to the use of ethanol fuels.

In 1988 the board entered into an agreement for research and development of ethanol based ethers and fuels containing combinations of alcohol/ether mixtures. Partnership in this effort was with American Eagle Fuels (AEF), a private corporation. The board and AEF expended more than $2 million to develop a small commercial scale facility capable of producing ethyl tertiary butyl ether (ETBE). ETBE was produced at the facility near Lincoln, Nebraska and small quantities of the product were sold in Japan, Europe and the United States for experimental purposes. At the same time, the board engaged in an extensive cooperative testing program with Sun Refining Company and other parties to examine the properties of ethanol/ether combinations. This work was intended to form the basis for an application to the U.S. EPA that would seek approval for higher concentrations of ethanol/ether mixtures to be blended in gasoline for commercial sale.

The board's investment in research and development of ETBE was based on the expectation that ethanol and ETBE would play a significant role in oxygenated and reformulated fuel programs required under the Clean Air Act Amendments of 1990. Discussions during debate on CAA amendments, and recorded floor debate in the Senate, clearly reflect the expectation that ethanol and ETBE use would increase significantly as a result of the oxygenate requirements included among the 1990 amendments to the Act.

IMPACT OF MTBE

Despite expectations that ethanol and ETBE would capture a significant share of the oxygenated fuel market, experience in the marketplace differed significantly from early expectations. In one of the first oxygenated fuel markets, the Colorado Front Range, the oxygenate most often used at the outset of the Colorado program was MTBE. In the initial years of the program, MTBE use constituted as much as 95% of the oxygenated fuel sold during the carbon monoxide abatement program. This occurred despite the fact that ethanol could easily be transported by rail and truck from Nebraska and other locations at rates competitive with gasoline. In other oxygenated fuel program areas in the Midwest, such as Milwaukee, MTBE quickly captured the market for oxygenated gasoline despite the proximity of such areas to large ethanol production facilities. In oxygenated fuel program areas outside the Midwest, the aggressive marketing of low priced MTBE allowed virtual market control. Price was clearly a key and MTBE was available at rates equal to or below the cost of gasoline.

The experience in reformulated gasoline market areas was similar to the carbon monoxide abatement program. A review of U.S. EPA market surveys of RFG areas for 1995–97 clearly illustrates the trend toward MTBE. Early surveys show modest use of ethanol in a few metropolitan areas and nominal use of ETBE in fewer areas. However, the data show a clear trend toward MTBE use following he first year of the federal RFG program. The trend generally continues, with few exceptions, in 1999.

The technical attributes of ETBE are well documented. Compared to MTBE, ETBE is superior in virtually all areas except price. ETBE, in the opinion of many refiners and auto makers, is the perfect oxygenate because ''it acts like gasoline''. Octane and distillation properties, low vapor pressure characteristics, and ability to reduce aromatic and sulfur levels while maintaining other performance qualities of gasoline make ETBE an excellent component for cleaner burning gasoline. However, economics in the highly competitive world of petroleum refining and marketing is the key criteria in most oxygenate purchasing transactions. MTBE has a distinct advantage in pricing due, in large part, to the low cost of methanol.

Methanol and MTBE are global commodities and as such respond to pricing strategies of the largest producers of these products. The public announcement of King Fahd's 1992 royal decree was clearly a confirmation that a significant incentive was being instituted in the pricing of methanol and related components of MTBE. This incentive has been calculated to provide raw material price discounts at levels thirty per cent below world prices. The impact of this decree has been apparent over the past seven years. MTBE production from Saudi Arabian plants has increased rapidly and steadily, to nearly 100,000 barrels per day according to published reports. That volume constitutes nearly half of total U.S. MTBE demand. Due to this low cost, made possible by the Saudi Arabian subsidy, a significant volume of the MTBE used in the U.S. today is imported directly or indirectly from plants in Saudi Arabia. As a result, ETBE cannot possibly be competitive with this product on a cost basis, despite the obvious technical advantages of ETBE. In addition, domestic MTBE producers are keenly aware of this pricing differential and the adverse impact it has on domestic supply and price.

CONCLUSION

The result of the Saudi Arabian subsidy is clear. Domestic ethanol and MTBE producers are disadvantaged and oxygenates from domestic production facilities are often displaced by low cost MTBE imports from Saudi Arabia. The intent of Congress has been thwarted by imported MTBE use in the oxygenate programs which were intended to stimulate a domestic industry. U.S. grain producers who were told of the predictions for increased corn and grain sorghum use via ethanol and ETBE plants have not seen that domestic market materialize in the substantial way predicted in 1990. The U.S. balance of trade, already reeling from a high level of imported petroleum products, is further exacerbated by increased imports of MTBE from off shore plants. Oxygenate pricing, pegged to the lower cost MTBE imports from Saudi Arabia, reduces revenue and return on investment of domestic oxygenate producers, thereby discouraging investment in new or expanded plants in the United States. As a result, the oxygenated fuel provisions of the Clean Air Act are not generating domestic economic benefits to the extent possible. The mechanism generating these adverse impacts, instituted following the 1992 royal decree, must be removed or offset to protect domestic economic interests.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 21, 1999, the federal debt stood at $5,630,289,872,162.63 (Five trillion, six hundred thirty billion, two hundred eighty-nine million, eight hundred seventy-two thousand, one hundred sixty-two dollars and sixty-three cents).

One year ago, April 21, 1998, the federal debt stood at $5,518,978,000,000 (Five trillion, five hundred eighteen billion, nine hundred seventy-eight million).

Five years ago, April 21, 1994, the federal debt stood at $4,555,161,000,000 (Four trillion, five hundred fifty-five billion, one hundred sixty-one million).

Ten years ago, April 21, 1989, the federal debt stood at $2,754,358,000,000 (Two trillion, seven hundred fifty-four billion, three hundred fifty-eight million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,875,931,872,162.63 (Two trillion, eight hundred seventy-five billion, nine hundred thirty-one million, eight hundred seventy-two thousand, one hundred sixty-two dollars and sixty-three cents) during the past 10 years.

COMMEMORATION OF THE ARMENIAN GENOCIDE

Mr. REED. Mr. President, I rise to commemorate the 84th anniversary of the Armenian Genocide.

This weekend, members of Armenian communities around the world will gather together to remember the spring morning of April 24, 1915, when the Ottoman Empire and the successor Turkish nationalist regime began a brutal policy of deportation and murder. Over the next eight years, 1.5 million Armenians would be massacred at the hands of the Turks and another 500,000 would have their property confiscated and be driven from their homeland.

Despite having already undergone such terrible persecution and hardship, the people of the Armenian Republic still suffer today. The peace talks have regrettably made little progress toward the resolution of the Karabagh conflict. Turkey continues to blockade humanitarian aid to Armenia.

However, the Armenian people look hopefully to the future. Their quest for peace and democracy continues to inspire people around the world. On May 30th, Armenia will again hold democratic elections. Armenians who have emigrated to other countries, especially those in my home state of Rhode Island, bring their traditions with them. They enrich the culture and contribute much to the society of their new homelands.

Although each year's commemoration of the Armenian genocide is important, I believe this year's observance is particularly significant—because of the crisis in Kosovo. Each night the television shows images of hundreds of thousands of refugees forced from their homes and each morning the paper is filled with stories of innocent civilians robbed and killed. These stories and images are heartwrenching—but the people of Kosovo have not been abandoned. The nineteen nations of NATO are united in their resolve that another genocide will not be tolerated.

One of the reasons the world could not stand idly by watching events unfold in the Balkans is because of commemorations like the observance of the Armenian Genocide. We must stand as witnesses to protect those who are persecuted because they are different. We must remain vigilant as long as hate and intolerance exist in our world.

Menk panav chenk mornar. Thank you, Mr. President.

COMMEMORATION OF THE ARMENIAN GENOCIDE

Mrs. BOXER. Mr. President, each year on April 24 many of us in Congress pause to remember the tragedy of the Armenian Genocide. On that date in 1915, more than 200 Armenian religious, political and intellectual leaders were arrested in Constantinople—now Istanbul—and killed, marking the beginning of an organized campaign to eliminate the Armenian presence from the Ottoman Empire. This brutal campaign would result in the massacre of a million and a half Armenian men, women and children.

Thousands of Armenians were subjected to torture, deportation, slavery and murder. More than 500,000 were removed from their homes and sent on forced death marches through the deserts of Syria. This dark time is among the saddest chapters in the history of man.

But Armenians are strong people and their dream of freedom did not die. More than seventy years after the genocide, the new Republic of Armenia was born as the Soviet Union crumbled. Today, we pay tribute to the courage and strength of a people who would not know defeat.

Yet, independence has not meant an end to their struggle. There are still those who question the reality of the Armenian slaughter. There are those who have failed to recognize its very existence. We must not allow the horror of the Armenian genocide to be either diminished or denied.

Genocide is the worst of all crimes against humanity. As indications of genocide arise in Kosovo, it is especially important to remember those who lost their lives in the first genocide of this century. We must never forget the victims of the Armenian Genocide.

HONORING CARL LINDNER

Mr. DEWINE. Mr. President, I rise today to salute a truly great American on the occasion of his eightieth birthday. Carl Lindner is an important figure in the history of American business—he is also a good man and a dear friend.

The Carl Lindner story is a genuine, old-fashioned American success story. He came from a modest background. He started out delivering milk—and ended up owning an ice cream company. And many other companies besides!

He was born in Dayton, Ohio, on April 22, 1919. He grew up in the small town of Norwood, in Hamilton County. And he brought the values he learned there to the creation of a huge business empire—United Dairy Farmers, American Financial Corporation, Chiquita Brands, Penn Central Corporation, Great American Communications Company.

And throughout all of this, Carl Lindner remains today a kind, unassuming family man—with the values of a businessman beloved by his friends in a small town. A man who cares about others—and about the welfare of his whole community.

It has been said that just about everybody who grows up in southwest Ohio spends at least some time working for one of Carl Lindner's companies. He is certainly one of the key employers in the entire Tristate area, if not the country.

But he doesn't just help people by employing them. He is also one of the most generous philanthropists in America. He is a quiet man with a heart of gold—and he works tirelessly to improve the health and education of the people of Ohio, our nation, and the whole world.

Mr. President, America gave Carl Lindner the opportunity to work hard and achieve a great deal. And he has given a lot back to this country. His most important contribution—is his example. He proves that the most important thing in a man's life is not how much money he makes, but what he does for people.

He is not a man who clamors for attention; this week, he is in the headlines because of his purchase of the Cincinnati Reds. But the real Carl Lindner—the one I know—is a man whose most important priority is helping people.

To Carl Lindner, on his eightieth birthday, the people of Ohio say congratulations, and a deep and heartfelt thank you from all of us whose lives you have touched!

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 531. An act to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 999. An act to amend the Federal Water Pollution Control Act to improve quality of coastal recreation waters, and for other purposes.

H.R. 1184. An act to authorize appropriations for carrying out the Earthquake hazards Reductions Act of 1977 for fiscal years 2000 and 2001, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. YOUNG of Florida, Mr. REGULA, Mr. LEWIS of California, Mr. PORTER, Mr. ROGERS, Mr. SKEEN, Mr. WOLF, Mr. KOLBE, Mr. PACKARD, Mr. CALLAHAN, Mr. WALSH, Mr. TAYLOR of North Carolina, Mr. HOBSON, Mr. OBEY, Mr. MURTHA, Mr. DICKS, Mr. SABO, Mr. HOYER, Mr. MOLLOAHN, Ms. KAPTUR, Ms. PELOSI, Mr. SERRANO, AND Mr. PASTOR as the managers of the conference on the part of the House.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 999. An act to amend the Federal Water Pollution Control Act to improve quality of coastal recreation waters, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1184. An act to authorize appropriations for carrying out the Earthquake Hazards Reductions Act of 1977 for fiscal years 2000 and 2001, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2672. A communication from the Director, Torts Branch, Civil Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Radiation Exposure Compensation Act: Evidentiary Requirements; Definitions, and Number of Times Claims May Be Filed'' (RIN 1105–AA49), received on April 15, 1999, to the Committee on the Judiciary.

EC–2673. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of a detailed boundary map for a 39-mile segment of the Missouri

National Recreation River; to the Committee on Energy and Natural Resources.

EC–2674. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation entitled ''The Comprehensive Electricity Competition Act''; to the Committee on Energy and Natural Resources.

EC–2675. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a notice of the proposed issuance of an export license relative to Turkey; to the Committee on Foreign Relations.

EC–2676. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the report under the Foreign Agents Registration Act for the period January 1, 1998 through June 30, 1998; to the Committee on Foreign Affairs.

EC–2677. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of the annex on domestic preparedness to the report on government-wide spending to combat terrorism; to the Committee on Armed Services.

EC–2678. A communication from the Under Secretary, Policy, Department of Defense, transmitting, pursuant to law, a report relative to actions taken to develop an integrated program to prevent and respond to terrorist incidents involving weapons of mass destruction; to the Committee on Armed Services.

EC–2679. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on government-wide spending to combat terrorism; to the Committee on Armed Services.

EC–2680. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the financial report of the United States government for fiscal year 1998; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COVERDELL:

S. 857. A bill to amend the Emergency Planning and Community Right-To-Know Act of 1986 to cover Federal facilities; to the Committee on Environment and Public Works.

S. 858. A bill to designate the Federal building and United States courthouse located at 18 Greenville Street in Newman, Georgia, as the ''Lewis R. Morgan Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself and Ms. SNOWE):

S. 859. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself, Mr. MACK, Mr. HOLLINGS, and Mr. LEVIN):

S. 860. A bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. FEINGOLD, Mr. LAUTENBERG, Mrs. MURRAY, Mr. KENNEDY, Mr. TORRICELLI, Mr. KERRY, Mr. REED, Mrs. BOXER, Mr. HARKIN, Mr. SCHUMER, and Mr. WELLSTONE):

S. 861. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mr. CONRAD):

S. 862. A bill to protect Social Security surpluses and reserve a portion of non-Social Security surpluses to strengthen and protect Medicare; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DASCHLE (for himself, Mrs. BOXER, and Mr. DORGAN):

S. 863. A bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. CHAFEE):

S. 864. A bill to designate April 22 as Earth Day; to the Committee on the Judiciary.

By Mr. BIDEN:

S. 865. A bill to amend the Internal Revenue Code of 1986 to provide the same tax treatment for danger pay allowance as for combat pay; to the Committee on Finance.

By Mr. CONRAD (for himself, Mr. CRAIG, and Mr. DORGAN):

S. 866. A bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. CHAFEE, Mr. BAUCUS, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. BIDEN, Mr. LAUTENBERG, Mrs. MURRAY, Mrs. BOXER, Mr. KERRY, Mr. KENNEDY, Mr. WELLSTONE, Mr. TORRICELLI, Mr. HARKIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. FEINGOLD, Mr. KOHL, Mr. DODD, Mr. LEAHY, Mr. WYDEN, and Mr. DURBIN):

S. 867. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 868. A bill to make forestry insurance plans available to owners and operators of private forest land, to encourage the use of prescribed burning and fuel treatment methods on private forest land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN:

S. 869. A bill for the relief of Mina Vahedi Notash; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mr. ROTH, Mr. GRASSLEY, and Mr. BOND):

S. 870. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of Inspecter General within Federal departments, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LEAHY:

S. 871. A bill to amend the Immigration and Nationality Act to ensure that veterans of the United States Armed Forces are eligible for discretionary relief from detention, deportation, exclusion, and removal, and for other reasons; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mr. BAYH, Mr. DEWINE, Mr. ABRAHAM, Mr. LEVIN, and Mr. LUGAR):

S. 872. A bill to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself, Mr. SCHUMER, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. HARKIN, Mr. KERRY, Ms. LANDRIEU, Mr. FEINGOLD, and Mr. WELLSTONE):

S. 873. A bill to close the United States Army School of the Americas; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND (for himself, Mr. LOTT, Mr. DASCHLE, Mr. MCCONNELL, and Mr. DODD):

S. Res. 82. A resolution expressing the gratitude of the United States Senate for the service of Thomas B. Griffith, Legal Counsel for the United States Senate; considered and agreed to.

By Mr. THURMOND:

S. Res. 83. A resolution expressing the sense of the Senate regarding the settlement of claims of citizens of Germany regarding deaths resulting from the accident near Cavalese, Italy, on February 3, 1998, before the settlement of claims with respect to the deaths of members of the United States Air Force resulting from the accident off Namibia on September 13, 1997; to the Committee on Foreign Relations.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. MCCONNELL, and Mr. DODD):

S. Con. Res. 29. A concurrent resolution authorizing the use of the Capitol Grounds for concerts to be authorized by the National Symphony Orchestra; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COVERDELL:

S. 857. A bill to amend the Emergency Planning and Community Right-To-Know Act of 1986 to cover Federal facilities; to the Committee on Environment and Public Works.

FEDERAL FACILITIES COMMUNITY RIGHT TO KNOW ACT OF 1999

Mr. COVERDELL. Mr. President, I rise today to introduce legislation—the Federal Facilities Community Right-To-Know Act of 1999—which provides that the federal government is held to the same reporting requirements under the Emergency Planning and Community Right-To-Know Act (EPCRA) of 1986 as private entities. In 1986, Congress directed the Environmental Protection Agency (EPA) to establish a national inventory to inform the public about chemicals used and released in their communities. Since enactment of the Emergency Planning and Community Right-To-Know Act, manufactures have been required to keep extensive records on how they use and store hazardous chemicals and report releases of

hundreds of hazardous chemicals annually. EPA compiles the reported information into the Toxic Release Inventory (TRI).

The Toxic Release Inventory is a publicly available data base containing specific chemical release and transfer information from manufacturing facilities throughout the United States. The TRI is intended to promote planning for chemical emergencies and to provide information to the public regarding the presence and release of toxic and hazardous chemicals in their communities.

In August 1993, President Clinton signed Executive Order 12856, which required Federal facilities to begin submitting TRI reports beginning in calendar year 1994 activities. I commend President Clinton for taking this action. However, this executive order does not have the force of law and could be changed by a future Administration. The National Governors Association's policy on federal facilities states that ''Congress should ensure that federal and state 'right to know' requirements apply to federal facilities.'' My legislation simply amends the Emergency Planning and Community Right-To-Know Act to cover federal facilities. It is important for the Federal government to protect the environment and its citizens from hazardous substances. People living near federal facilities have the right to know what hazardous substances are being released into the environment by these facilities so they can better protect themselves and their children from these potential threats. It is my strong belief that federal facilities should be treated the same as private entities. My legislation attempts to move us closer towards that goal.

By Mr. JEFFORDS (for himself and Ms. SNOWE):

S. 859. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Environment and Public Works.

NATIONAL BEVERAGE CONTAINER REUSE AND RECYCLING ACT OF 1999

Mr. JEFFORDS. Mr. President, I rise today in celebration of Earth Day to introduce the National Beverage Container Reuse and Recycling Act of 1999. I introduce this bill again today because I firmly believe that deposit laws are a common sense, proven method to increase recycling, save energy, create jobs, and decrease the generation of waste and proliferation of landfills. Unfortunately, recycling rates for beverage containers have recently dropped, making this legislation even more important.

The experience of ten states, including Vermont, attest to the success of a deposit law or bottle bill as it is commonly called. The recycling rates in these states for aluminum cans is 80 percent, while the overall national average in 1998 was only 55 percent. Cans recycled in deposit states accounted for half of all cans recycled in the country during this period. Although a national recycling rate of 55 percent may seem significant, every three seconds, 14,000 aluminum cans are discarded as waste.

Such waste is rapidly overflowing landfills, washing up on our beaches, and piling up on our roadways. Our country's solid waste problems are very real, and they will continue to haunt us until we take action. The throw-away ethic that has emerged in this country is not insurmountable, and recycling is part of the solution.

The concept of a national bottle bill is simple: to provide the consumer with an incentive to return the container for reuse of recycling. Consumers pay a nominal cost per bottle or can when purchasing a beverage and are refunded their money when they bring the container back either to a retailer or redemption center. Retailers are paid a fee for their participation in the program, and any unclaimed deposits are used to finance state environmental programs.

Under my proposal, a 10-cent deposit on certain beverage containers would take effect in states which have beverage container recovery rates of less than 70 percent, the minimum recovery rate achieved by existing bottle bill states. Labels showing the deposit value would be affixed to containers, and retailers would receive a 2-cent fee per container for their participation in the program.

This legislation I introduce today is consistent with our nation's solid waste management objectives. A national bottle bill would reduce solid waste and litter, save natural resources and energy, and create a much needed partnership between consumers, industry, and local governments. I urge my colleagues to join these ten states, including Vermont, and support a nationwide bottle deposit law. Because for our children, the health of the planet may be our most enduring legacy.

By Mr. GRAHAM (for himself, Mr. MACK, Mr. HOLLINGS, and Mr. LEVIN):

S. 860. A bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements; to the Committee on Agriculture, Nutrition, and Forestry.

IMPORTED PRODUCE LABELING ACT OF 1999

Mr. GRAHAM. Mr. President, I rise today to introduce legislation that would require country of origin labeling of perishable agricultural commodities imported into the United States. I offer the ''Imported Produce Labeling Act'' to ensure that Americans know the origin of every orange, banana, tomato, cucumber, and green pepper on display in the grocery store.

For two decades, Floridians shopping at their local grocery stores have been able to make educated choices about the food products they purchase for their families. In 1979, in my first year as Governor, I proudly signed legislation to make country of origin labels commonplace in produce sections all over Florida. This labeling requirement has proven to be neither complicated nor burdensome for Florida's farmers or retailers.

Country of origin labeling is not new to the American marketplace. For decades, ''Made In'' labels have been as visible as price tags on clothes, toys, television sets, watches, and many other products. It makes little sense that such labels are nowhere to be found in the produce section of grocery stores in the vast majority of states.

The current lack of identifying information on produce means that Americans who wish to heed government health warnings about foreign products or who have justifiable concerns about other nations' labor, environmental, and agricultural standards are powerless to choose other perishables. In fact, according to nationwide surveys, between 74 and 83 percent of consumers favor mandatory country of origin labeling for fresh produce.

This is a low-cost, common sense method of informing consumers, as retailers will simply be asked to provide this information by means of a label, stamp, or placard. Implementation of this practice in Florida resulted in an estimated cost of only $10 monthly per grocery store, a remarkably small price to pay to provide American consumers with the information they need to make informed produce purchases.

In addition, a study by the U.S. Department of Agriculture found that twenty-six of our key trading partners require country of origin labeling for fresh fruits and vegetables. By adopting this amendment, our law will become more consistent with the laws of our global trading partners.

Consumers have the right to know basic information about the fruits and vegetables that they bring home to their families. Congress can take a major step toward achieving this simple goal by passing the ''Imported Produce Labeling Act,'' thereby restoring American shoppers' ability to make an informed decision.

By Mr. DURBIN (for himself, Mr. FEINGOLD, Mr. LAUTENBERG, Mrs. MURRAY, Mr. KENNEDY, Mr. TORRICELLI, Mr. KERRY, Mr. REED, Mrs. BOXER, Mr. HARKIN, Mr. SCHUMER, and Mr. WELLSTONE):

S. 861. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

AMERICA'S RED ROCK WILDERNESS ACT

Mr. DURBIN. Mr. President, today I am introducing America's Red Rock Wilderness Act to protect an important part of our nation's natural heritage. America's Red Rock Wilderness Act

designates 9.1 million acres of public land in Utah as wilderness.

Passage of America's Red Rock Wilderness Act is essential to protect a national treasure for future generations of Americans. It provides wilderness protection for magnificent canyons, red rock cliffs and rock formations unlike any on earth. The lands included in this legislation contain steep slick rock canyons, high cliffs offering spectacular vistas of rare rock formations, desert lands, important archeological sites, and habitat for rare plant and animal species.

The areas designated for wilderness protection in America's Red Rock Wilderness Act are based on a detailed inventory of lands managed by the Bureau of Land Management conducted by volunteers from the Utah Wilderness Coalition. Between 1996 and 1998, UWC volunteers and staff surveyed thousands of square miles of BLM land, taking over 50,000 photos and compiling documentation to ensure that these areas meet federal wilderness criteria.

As a result of this inventory, an additional 3.4 million acres not included in earlier Utah wilderness bills have been added to the wilderness designations in America's Red Rock Wilderness Act. Most of the areas added to the bill are in the remote Great Basin deserts in the western portion of the state and the red rock canyons in Southern Utah, which had not been included in earlier inventories.

Recently, BLM completed a re-inventory of approximately 6 million acres of federal land which had been proposed for wilderness designation in previous wilderness bills. The results provide a convincing confirmation of the inventory conducted by UWC volunteers. Of the 6 million acres it re-inventoried, BLM found that 5.8 million acres qualified for wilderness consideration. Almost all of these lands are included in America's Red Rock Wilderness Act.

Theodore Roosevelt once stated, ''The Nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased and not impaired in value.'' Unfortunately, these fragile, scenic lands in Utah are threatened by oil, gas and mining interests, destructive use by off-road vehicles, increased commercial development, and proposals to construct roads, communication towers, transmission lines, and dams. We must act now to protect these lands for future generations.

America's Red Rock Wilderness Act is supported by a broad coalition of over 150 environmental, conservation, and recreational organizations and citizen groups. In independent television and newspaper surveys and public hearings on this issue, the citizens of Utah also have expressed overwhelming support for a strong wilderness bill.

Yesterday was John Muir's birthday. He observed that ''Thousands of tired, nerve-shaken, over-civilized people are beginning to find out that going to the mountains is going home; that wilderness is a necessity; that mountain parks and reservations are useful not only as fountains of timber and irrigating rivers, but as fountains of life.'' America's Red Rock Wilderness Act honors his vision.

The preservation of our nation's vital natural resources will be one of our most important legacies. I urge my colleagues to join me as a cosponsor of this important bill to protect the America's Red Rock Wilderness area in Utah for future generations.

Mr. FEINGOLD. Mr. President, I am very pleased to join the Senator from Illinois (Mr. DURBIN) as an original cosponsor of legislation to designate 9.1 million acres of Bureau of Land Management (BLM) lands in Utah as wilderness.

Though this is the second time this particular measure has been introduced in this body, this year's legislation has been substantially revised. As the Senator from Illinois (Mr. DURBIN) has already described, these revisions have been made on the basis of a citizen-led re-inventory of the wilderness quality lands that remain on BLM lands in Utah.

During the April recess I had an opportunity to travel to Utah. I viewed firsthand some of the lands that would be designated for wilderness under Senator DURBIN's bill. I was able to view most of the proposed wilderness areas from the air, and was able to enhance my understanding through hikes outside of the Zion National Park on the Dry Creek Bench wilderness unit contained in this proposal, and inside the Grand Staircase-Escalante National Monument to Upper Calf Creek Falls.

I support this legislation, for a few reasons, Mr. President, but most of all because I have personally seen what is at stake, and I know the marvelous resources that Wisconsinites and all Americans own in the BLM lands of Southern Utah.

Second, Mr. President, I support this legislation because I believe it sets the broadest and boldest mark for the lands that should be protected in Southern Utah. I believe that when the Senate considers wilderness legislation it ought to know, as a benchmark, the full measure of those lands which are deserving of wilderness protection. This bill encompases all the BLM lands of wilderness quality in Utah. Unfortunately, Mr. President, the Senate has not, as we do today, always had the benefit of considering wilderness designations for all of the deserving lands in Southern Utah. During the 104th Congress, I joined with the former Senator from New Jersey (Mr. Bradley) in opposing that Congress' Omnibus Parks legislation. It contained provisions, which were eventually removed, that many in my home state of Wisconsin believed not only designated as wilderness too little of the Bureau of Land Management's holding in Utah deserving of such protection, but also substantively changed the protections afforded designated lands under the Wilderness Act of 1964.

The lands of Southern Utah are very special to the people of Wisconsin. In writing to me last Congress, my constituents described these lands as places of solitude, special family moments, and incredible beauty. In December 1997, Ron Raunikar of the Capital Times, a paper in Madison, WI, wrote:

> Other remaining wilderness in the U.S. is at first daunting, but then endearing and always a treasure for all Americans.
>
> The sensually sculpted slickrock of the Colorado Plateau and windswept crag lines of the Great Basin include some of the last of our country's wilderness which is not fully protected.
>
> We must ask our elected officials to redress this circumstance, by enacting legislation which would protect those national lands within the boundaries of Utah.
>
> This wilderness is a treasure we can lose only once or a legacy we can be forever proud to bestow to our children.

Some may say, Mr. President, that this legislation is unnecessary and Utah already has the ''monument'' that Wallace Stegner wrote about, designated by President Clinton on September 18, 1997. However, it is important to note, the land of the Grand Staircase Escalante National Monument comprises only about one tenth of the lands that will be granted wilderness protection under this bill.

I supported the President's actions to designate the Grand Staircase Escalante National Monument. On September 17, 1997, amid reports of the pending designation, I wrote a letter to President Clinton to support that action which was co-signed by six other members of the Senate. That letter concluded with the following statement ''We remain interested in working with the Administration on appropriate legislation to evaluate and protect the full extent of public lands in Utah that meet the criteria of the 1964 Wilderness Act.''

I believe that the measure being introduced today will accomplish that goal. Identical in its designations to legislation sponsored in the other body by Rep. MAURICE HINCHEY of New York, it is the culmination of more than 15 years and four Congresses of effort in the other body beginning with the legislative work of the former Congressman from Utah (Mr. Owens).

The measure protects wild lands that really are not done justice by any description in words. In my trip I found widely varied and distinct terrain, remarkable American resources of red rock cliff walls, desert, canyons and gorges which encompass the canyon country of the Colorado Plateau, the Mojave Desert and portions of the Great Basin. The lands also include mountain ranges in western Utah, and stark areas like the new National Monument. These regions appeal to all types of American outdoor interests from hikers and sightseers to hunters.

Phil Haslanger of the Capital Times, answered an important question I am often asked when people want to know why a Senator from Wisconsin would

co-sponsor legislation to protect lands in Utah. He wrote on September 13, 1995 simply that ''These are not scenes that you could see in Wisconsin. That's part of what makes them special.'' He continues, and adds what I think is an even more important reason to act to protect these lands than the landscape's uniqueness, ''the fight over wilderness lands in Utah is a test case of sorts. The anti-environmental factions in Congress are trying hard to remove restrictions on development in some of the nation's most splendid areas.''

Wisconsinites are watching this test case closely. I believe, Mr. President, that Wisconsinites view the outcome of this fight to save Utah's lands as a sign of where the nation is headed with respect to its stewardship of natural resources. For example, some in my home state believe that among federal lands that comprise the Apostle Islands National Lakeshore and the Nicolet and Chequamegon National Forests there are lands that are deserving of wilderness protection. These federal properties are incredibly important, and they mean a great deal to the people of Wisconsin. Wisconsinites want to know that, should additional lands in Wisconsin be brought forward for wilderness designation, the type of protection they expect from federal law is still available to be extended because it had been properly extended to other places of national significance.

What Haslanger's Capital Times comments make clear is that while some in Congress may express concern about creating new wilderness in Utah, wilderness, as Wisconsinites know, is not created by legislation. Legislation to protect existing wilderness insures that future generations may have an experience on public lands equal to that which is available today. The action of Congress to preserve wild lands by extending the protections of the Wilderness Act of 1964 will publicly codify that expectation and promise.

Third, this legislation has earned my support, and deserves the support of others in this body, because all of the acres that will be protected under this bill are already public lands held in trust by the federal government for the people of the United States. Thus, while they are physically located in Utah, their preservation is important to the citizens of Wisconsin as it is for other Americans.

Finally, I support this bill because I believe that there will likely be action during this Congress to develop consensus legislation to protect the lands contained in this proposal. We all need to be involved in helping to forge that consensus in order to ensure the best stewardship of that land. As many in this body know, the BLM has completed a review of the lands designated in the bill sponsored in the last Congress by the Senator from Illinois (Mr. DURBIN) and adjacent areas. BLM has found that 5.8 million acres of lands, slightly more than the acreage of the old bill, meet the criteria for wilderness protection under the Wilderness Act. While the re-inventory is not a formal recommendation to Congress for wilderness designation, it suggests that there are and should be more lands in play as the debate over wilderness protection in Utah moves forward.

I am also watching closely the ongoing dialogue between Governor Leavitt and Secretary Babbitt regarding possible wilderness protection for some of the West Desert lands that are contained in this legislation, and the formal Section 202 process in which the BLM will be engaged in Utah. I hope that the leaders of those efforts will look to this legislation as a guide in identifying the areas that need to be protected as wilderness.

I am eager to work with my colleague from Illinois (Mr. DURBIN) to protect these lands. I commend him for introducing this measure.

By Mr. LAUTENBERG (for himself and Mr. CONRAD):

S. 862. A bill to protect Social Security surpluses and reserve a portion of non-Social Security surpluses to strengthen and protect Medicare; to the Committee on the Budget and the Committee on Government Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

SOCIAL SECURITY AND MEDICARE LOCK BOX ACT

Mr. LAUTENBERG. Mr. President, today, along with Senator CONRAD, I am introducing legislation, the Social Security and Medicare Lock Box Act, to reserve budget surpluses for both Social Security and Medicare.

Mr. President, this bill is an alternative to the Abraham-Domenici-Ashcroft lock box legislation now before the Senate. There are several differences between the two versions. But I want to highlight this, most importantly: the Republican proposal claims to protect Social Security, but it doesn't even pretend to protect Medicare. This bill would reserve surpluses for both Social Security and Medicare. And the main question for the Senate is whether we care enough about Medicare to provide it with a real lock box.

Mr. President, as I explained earlier, the Republican lock box has three major flaws.

First, it fails to protect Social Security, and actually threatens benefits.

Second, it reserves nothing for Medicare.

And, third, it could result in a government default, which could trigger a world-wide economic catastrophe.

Our plan corrects each of these problems in a responsible way that will work. It provides an ironclad guarantee that 100 percent of the Social Security surplus will be saved for Social Security. It reserves 40 percent of the non-Social Security, on-budget surplus for Medicare. And, the lock box is enforced not by a risky new limit on public debt, but though the same budget procedures that produced the first budget surplus in 30 years.

With respect to Social Security, Mr. President, our lock box would create a new point of order against a budget resolution that spends the Social Security surplus. This provision is also in the Republican amendment. But our point of order requires a supermajority to waive while theirs can be waived by a simple majority vote.

The Republican amendment also contains a trap door that would allow Social Security contributions to be diverted for purposes other than Social Security benefits, such as risky new privatization schemes. Our proposal includes no such trap door. To the contrary, its enforcement procedures would remain in effect until legislation is enacted certifying that Social Security's life has been extended for the long-term.

In addition to protecting Social Security, Mr. President, our lock box extends similar protections to the Medicare program. The proposal creates supermajority points of order against a budget resolution or any subsequent legislation that fails to reserve roughly 40 percent of the on-budget surplus for Medicare over the next 15 years.

Mr. President, the Medicare Trust Fund is now expected to be bankrupt by 2015. We should move quickly to reform and modernize the program. But it's also clear that we'll need additional resources when the baby boom generation starts to retire. Even with reforms that substantially reduce costs, the revenues coming to the Medicare Trust Fund will not support this larger number of beneficiaries. Nor will they provide the resources needed to modernize the program or provide a prescription drug benefit.

In case anyone has any doubt about that, consider the so-called Breaux-Thomas plan that was considered by the bipartisan Medicare Commission.

By their own calculation, that plan would save $100 billion over ten years and extends the Trust Fund for only 3 additional years. In the scheme of things, that's not very long. But even this meager extension of the Trust Fund relies on several controversial proposals, including raising the age of eligibility for Medicare, establishing unlimited home health copayments, and completely eliminating the Direct Medicare Education program from Medicare.

The bottom line, Mr. President, is that we need more resources for Medicare. And our amendment would give us an opportunity to provide them.

Under our proposal, in the short term, the Medicare reserve would be used to reduce the debt. Over the next ten years, our proposal would reduce debt held by the public by $30 billion more than the Republican plan. By reducing debt held by the public, our lockbox would dramatically reduce the government's interest costs. And that would free up resources to allow the government to meet its existing commitments to Medicare. By contrast,

under the Republican plan, every penny of the non-Social Security surplus is consumed. That would increase interest costs and almost guarantee further cuts in benefits in the future.

Mr. President, not only does our lockbox do more to protect Medicare and reduce debt, it also has a stronger lock and more responsible enforcement procedure for both Social Security and Medicare.

As I've explained, Mr. President, the Republican amendment includes a reckless new scheme that relies on the threat of a default to enforce its provisions. That not only could permanently damage our credit standing, it could force the government to stop issuing Social Security checks.

We have a better idea, Mr. President. As I said earlier, we have a 60-vote point of order against including Social Security in the budget totals, as well as a 60-vote point of order against using any of the Medicare reserve. Then, even if Congress tries to spend that money, our lockbox blocks it through automatic across-the-board cuts, rather than creating a crisis.

Mr. President, this is the best way to ensure fiscal restraint. Not by causing a crisis after money has already been committed. But by using the tools of the budget process to block those commitments in the first place. That's why our legislation would enforce the lock box through the tried and true mechanisms of the pay-go rules and across-the-board cuts.

If Congress attempts to spend part of the Social Security surplus or Medicare reserve, the sequester rules of the Balanced Budget Act would make automatic spending cuts in order to keep the reserve intact. This is far better than triggering a debt crisis, and threatening a government default, as the Republican amendment proposes.

To sum up, Mr. President, the Republican amendment claims to protect Social Security, but it really threatens Social Security benefits. Ours is a real lockbox that protects both Social Security and Medicare. It's a more responsible alternative that avoids the risk of default. And it would reduce debt by more than the underlying amendment.

I hope my colleagues will support it and I ask unanimous consent that a copy of the bill, along with certain related materials, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Social Security and Medicare Lock Box Act''.

SEC. 2. DEFINITIONS.

Section 3 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

''(11) The term 'Medicare surplus reserve' means the surplus amounts reserved to strengthen and preserve the Medicare program as calculated in accordance with section 316.''.

SEC. 3. PROTECTION BY CONGRESS

Congress reaffirms its support for the provisions of section 13301 of the Omnibus Budget Reconciliation Act of 1990 that provides that the receipts and disbursements of the Social Security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 4. SOCIAL SECURITY OFF-BUDGET POINT OF ORDER.

Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

''(j) SOCIAL SECURITY OFF-BUDGET POINT OF ORDER.—It shall not be in order in the House or the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that violates section 13301 of the Budget Enforcement Act of 1990.''.

SEC. 5. MEDICARE SURPLUS RESERVE POINT OF ORDER.

Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

''(k) MEDICARE SURPLUS RESERVE POINT OF ORDER.—It shall not be in order in the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the surplus in any of the fiscal years covered by the concurrent resolution below the levels of the Medicare surplus reserve for those fiscal years calculated in accordance with section 316.''.

SEC. 6. ENFORCEMENT OF MEDICARE SURPLUS RESERVE.

Section 311(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following:

''(4) ENFORCEMENT OF THE MEDICARE SURPLUS RESERVE.—After a concurrent resolution on the budget has been agreed to, it shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a decrease in the Medicare surplus reserve in any of the fiscal years covered by the concurrent resolution. This paragraph shall not apply to a provision that appropriates new subsidies from the general fund to the Medicare Hospital Insurance Trust Fund.''.

SEC. 7. SUPERMAJORITY.

Subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 are amended by inserting after ''301(i),'' the following: ''301(j), 301(k), 311(a)(4),''.

SEC. 8. MEDICARE SURPLUS RESERVE.

Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following:

''MEDICARE SURPLUS RESERVE

''SEC. 316. (a) IN GENERAL.—Subject to adjustment pursuant to subsection (b), the amounts reserved for the Medicare surplus reserve in each year are—

''(1) for fiscal year 2000, $0;
''(2) for fiscal year 2001, $3,000,000,000;
''(3) for fiscal year 2002, $26,000,000,000;
''(4) for fiscal year 2003, $15,000,000,000;
''(5) for fiscal year 2004, $21,000,000,000;
''(6) for fiscal year 2005, $35,000,000,000;
''(7) for fiscal year 2006, $63,000,000,000;
''(8) for fiscal year 2007, $68,000,000,000;
''(9) for fiscal year 2008, $72,000,000,000;
''(10) for fiscal year 2009, $73,000,000,000;
''(11) for fiscal year 2010, $70,000,000,000;
''(12) for fiscal year 2011, $73,000,000,000;
''(13) for fiscal year 2012, $70,000,000,000;
''(14) for fiscal year 2013, $66,000,000,000; and
''(15) for fiscal year 2014, $52,000,000,000.

''(b) ADJUSTMENT.—

''(1) IN GENERAL.—The amounts in subsection (a) for each fiscal year shall be adjusted in the budget resolution each fiscal year through 2014 by a fixed percentage equal to the adjustment required to those amounts sufficient to extend the solvency of the Federal Hospital Insurance Trust Fund through fiscal year 2027.

''(2) LIMIT BASED ON TOTAL SURPLUS.—The Medicare surplus reserve, as adjusted by paragraph (1), shall not exceed the total baseline surplus in any fiscal year.''.

SEC. 9. PAY-AS-YOU-GO AND DISCRETIONARY CAP EXTENSION.

(a) IN GENERAL.—Notwithstanding any other provision of law, sections 251 and 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 and section 202 of H. Con. Res. 67 (104th Congress) shall be enforced until Congress enacts legislation that—

(1) ensures the long-term fiscal solvency of the Social Security trust funds and extends the solvency of the Medicare trust fund through fiscal year 2027; and

(2) includes a certification in that legislation that the legislation complies with paragraph (1).

(b) DISCRETIONARY CAP EXTENSION.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after paragraph (7) the following:

''(8) for each fiscal year after 2002, the current services baseline based on the discretionary spending limit for fiscal year 2002;''.

SEC. 10. ADJUSTMENT OF BUDGET LEVELS AND REPEAL.

(a) ADJUSTMENTS.—Upon the enactment of this Act, the Chairmen of the Committees on the Budget shall file with their Houses appropriately revised budget aggregates, allocations, and levels (including reconciliation levels) under the Congressional Budget Act of 1974 to carry out this Act.

(b) REPEAL.—Section 207 of H. Con. Res. 68 (106th Congress) is repealed.

TWO LOCK BOX PROPOSALS

REPUBLICAN LOCK BOX

The Republican lock box purports to protect Social Security surpluses by establishing new limits on debt held by the public. The proposal creates a new super majority point of order against legislation that would increase the limits on public debt. The limits are set at levels that would allow all non-Social Security surpluses to be used for tax cuts or spending.

The GOP lock box has three major problems:

(1) *It does nothing to protect Medicare.* Instead, it allows Congress to use funds needed for Medicare to provide tax cuts.

(2) *It threatens Social Security.* If the economy slows, the government could be unable to issue Social Security or other benefit checks. Also, the GOP amendment includes a provision that would allow Social Security surpluses to be used for purposes other than Social Security benefits, if labeled as ''Social Security reform.''

(3) *It threatens default.* Secretary Rubin is concerned that the proposal could permanently *damage our credit standing.* The risk of default would increase interest costs for American taxpayers.

In November 1995, a debt crisis was precipitated when Government borrowing reached the debt limit and in January Moody's credit rating service placed Treasury securities on review for possible downgrade.

The proposal *could trigger an actual default based on factors beyond Congress's control.* Although the GOP proposal adjusts the debt ceiling for discrepancies between the actual and projected Social Security surpluses, it does not make similar corrections for unanticipated developments on the non-Social Security side of the budget. This means that an

economic slowdown, a reduction in anticipated revenues, or an unexpected increase in mandatory spending could cause publicly held debt to exceed the new limits and create a debt crisis.

DEMOCRATIC LOCK BOX

The Democratic Lock Box creates a supermajority point of order against a budget resolution or any legislation that does not save at least 40 percent of the on-budget surplus for Medicare over the next 15 years and adds a new supermajority point of order against a budget resolution that violates the off-budget treatment of Social Security. (The budget act already contains supermajority points of order against a budget resolution or any legislation that reduces the Social Security surplus.)

The Democratic Lock Box has several advantages over the Republican approach.

(1) *It protects Social Security*. The language reserves all Social Security surpluses for Social Security, and does not allow these surpluses to be used for anything that does not increase the Solvency of the Social Security program.

(2) *It protects Medicare*. The Democratic bill reserves 40 percent of the on-budget surplus for Medicare; allows sufficient funding to extend the life of the Medicare HI Trust Fund through at least 2027.

(3) *It relies on responsible enforcement mechanisms*. The Democratic approach does not establish binding limits on publicly held debt and does not create a risk of default. Enforcement is through current budget procedures and across-the-board cuts. The Lock Box also restores the current pay-as-you-go point of order, which makes certain that no on-budget surplus can be used. Without a change in law, the Republican tax cuts will result in a pay-as-you-go sequester, which will come largely from Medicare.

(4) *It reduces more debt*. The Democratic Lock Box reduces more debt than the Republican proposal, which will lower future interest costs and free up government resources to meet its existing Social Security and Medicare obligations.

COMPARISON OF DEMOCRATIC AND REPUBLICAN LOCK BOX PROPOSALS

Democratic	Republican
Reserves 77 percent of unified surplus for Social Security and Medicare.	Claims to reserve 62 percent of unified surplus for Social Security but includes ''trap door'' loophole.
Prevents Social Security surplus from being used for other purposes.	Allows Social Security surplus to be used for anything labeled ''Social Security reform'' including tax cuts.
Reserves 40 percent of on-budget surplus for Medicare; allows solvency through 2027.	Reserves nothing for Medicare.
Enforcement through existing budget rules and across-the-board cuts; procedures that created the first budget surplus since 1969.	Enforcement through debt crisis; putting United States credit worthiness at risk and jeopardizing Social Security benefits.
Requires 60 votes to violate off-budget treatment of Social Security or for using Medicare reserve.	Requires 60 votes to violate off-budget treatment of Social Security; reserves nothing for Medicare.
Reduces debt held by the public to $1.6 trillion in 2009, $300 billion below the Republicans.	Reduces debt held by the public to $1.9 trillion in 2009.

SOCIAL SECURITY AND MEDICARE LOCK BOX ACT

The ''Social Security and Medicare Lock Box Act'' creates new budget points of order and budget enforcement mechanisms that would preclude any portion of the Social Security surplus *or* any portion of the surplus reserved for Medicare from being used for new spending or tax cuts. Over the next 15 years, the lockbox would save *77 percent* of the total unified surplus. The Medicare reserve would save 15 percent of the unified surplus and 40 percent of the on-budget surplus over the next 15 years.

SECTION 1: SHORT TITLE

Titles the bill the ''Social Security and Medicare Lock Box Act.''

SECTION 2. DEFINITIONS

Amends section 3 of the Congressional Budget Act of 1974 by adding a definition of the term ''Medicare surplus reserve.'' The Medicare surplus reserve refers to surplus amounts reserved to strengthen and extend the Medicare program.

SECTION 3: PROTECTION OF SOCIAL SECURITY TRUST FUNDS

Section 3 reaffirms Congress's support for the off-budget treatment of Social Security (section 13301 of the Omnibus Budget Reconciliation Act of 1990).

SECTION 4: SOCIAL SECURITY OFF-BUDGET POINT OF ORDER

Section 4 creates a supermajority point of order in the House and Senate against a budget resolution that violates the off-budget treatment of Social Security (section 13301 of the Omnibus Budget Reconciliation Act of 1990).

SECTION 5: MEDICARE SURPLUS RESERVE POINT OF ORDER

Section 5 creates a supermajority point of order in the House and Senate against a concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the surplus in any of the fiscal years covered by the budget resolution below the level of the Medicare surplus reserve.

SECTION 6: ENFORCEMENT OF MEDICARE SURPLUS RESERVE

Section 6 creates a supermajority point of order in the House and Senate against any bill, joint resolution, amendment, motion, or conference report that would decrease the Medicare surplus reserve in any of the years covered by the budget resolution.

SECTION 7: SUPERMAJORITY POINTS OF ORDER

Section 7 makes all new points of order created in this amendment waivable only by a three-fifths supermajority vote.

SECTION 8: MEDICARE SURPLUS RESERVE

Section 8 lists the amounts reserved for Medicare in each year from 2000-2014. These amounts total $65 billion over 2000-2004; $376 billion over the period 2000-2009, and $707 billion for the period 2000-2014. This section also creates a procedure that requires these amounts to be adjusted annually in the budget resolution to make certain that they are sufficient to extend the solvency of the Hospital Insurance Trust Fund through 2027. The Medicare surplus reserve, however, cannot exceed the total on-budget surplus in any year so as not to deplete the Social Security surplus.

SECTION 9: PAY-AS-YOU-GO AND DISCRETIONARY CAP EXTENSION

Section 9 extends current budgetary discipline embodied in the discretionary spending caps, the paygo rule in the Senate, and the paygo sequestration provisions of the Budget Enforcement Act until Congress enacts legislation certifying that it has ensured the long-term fiscal solvency of Social Security and extend the solvency of Medicare through fiscal year 2027.

SECTION 10: ADJUSTMENT OF BUDGET LEVELS AND REPEAL

Section 10 directs the Chairmen of the Budget Committees to revise the budget resolution to make it consistent with this Act and repeals the provision of the budget resolution that weakened the paygo rule in the Senate by allowing the on-budget surplus to be used for tax cuts.

By Mr. DASCHLE (for himself, Mrs. BOXER, and Mr. DORGAN):

S. 863. A bill to amend title XIX of the Social Security Act to provide for Medicaid coverage of all certified nurse practitioners and clinical nurse specialists; to the Committee on Finance.

MEDICAID NURSING INCENTIVE ACT

Mr. DASCHLE. Mr. President, today I am introducing the Medicaid Nursing Incentive Act, a bill to provide direct Medicaid reimbursement for nurse practitioners and clinical nurse specialists.

This legislation eliminates a counterproductive Medicaid payment policy. Under current law, State Medicaid programs may exclude certified nurse practitioners and clinical nurse specialists from Medicaid reimbursement, even though these practitioners are fully trained to provide many of the same services as those provided by primary care physicians. This policy is both discriminatory and shortsighted; it severs a critical access link for Medicaid beneficiaries.

The ultimate goal of this proposal is to enhance the availability of cost-effective primary care to our nation's most vulnerable citizens.

Studies have documented the fact that millions of Americans each year go without the health care services they need, because physicians simply are not available to care for them. This problem plagues rural and urban areas alike, in parts of the country as diverse as south central Los Angeles and Lemmon, South Dakota.

Medicaid beneficiaries are particularly vulnerable, since in recent years an increasing number of health professionals have chosen not to care for them or have been unwilling to locate in the inner-city and rural communities where many beneficiaries live. Fortunately, there is an exception to the trend: nurse practitioners and clinical nurse specialists frequently accept patients whom others will not treat and serve in areas where others refuse to work.

Studies have shown that nurse practitioners and clinical nurse specialists provide quality, cost-effective care. Their advanced clinical training enables them to assume responsibility for up to 80 percent of the primary care services usually performed by physicians, often at a lower cost and with a high level of patient satisfaction.

Congress has already recognized the expanding contributions of nurse practitioners and clinical nurse specialists. For more than a decade, CHAMPUS has provided direct payment to nurse practitioners. In 1990, Congress mandated direct payment for nurse practitioner services under the Federal Employee Health Benefits Plan. The Medicare program, which already covered nurse practitioners and clinical nurse specialist services in rural areas, was modified under the Balanced Budget Act of 1997 to provide coverage for these services in all geographic areas. The bill I am introducing today establishes the same payment policy under Medicaid.

Mr. President, the ramifications of this issue extend beyond the Medicaid program and its beneficiaries. There is a broader lesson here that applies to our effort to make cost-effective, high-quality health care services available and accessible to all Americans.

One of the cornerstones of this kind of care is the expansion of primary and preventive care, delivered to individuals in convenient, familiar places where they live, work, and go to school. More than 2 million of our nation's nurses currently provide care in these sites—in home health agencies, nursing homes, ambulatory care clinics, and schools. In places like South Dakota, nurses are often the only health care professionals available in the small towns and rural counties across the state.

These nurses and other nonphysician health professionals play an important role in the delivery of care. And this role will only increase as we move from a system that focuses on the costly treatment of illness to one that emphasizes primary preventive care and health promotion.

But, first, we must reevaluate outdated attitudes and break down barriers that prevent nurses from using the full range of their training and skills in caring for patients. In 1994, the Pew Health Professions Commission concluded that nurse practitioners are not being fully utilized to deliver primary care services. The commission recommended eliminating fiscal discrimination by paying nurse practitioners directly for the services they provide. This step will help nurse practitioners and clinical nurse specialists expand access to the primary care that so many communities currently lack.

As I have worked on access and reimbursement issues related to nurse practitioners and clinical nurse specialists, I have encountered two related issues I would also like to highlight.

Later this month, I plan to introduce legislation to increase the reimbursement rate for nurse practitioners and clinical nurse specialists who practice in rural and underserved areas. Currently, physicians who serve in a health professional shortage area receive a 10 percent boost in their Medicare payment as an incentive to provide services in the regions that need them the most. As we know, nurses are already providing critical primary and preventive care in these areas and deserve the bonus payments that physicians are already receiving.

I would also encourage my colleagues to closely monitor the impact of Medicaid managed care on access to care provided by nurse practitioners and clinical nurse specialists. In some areas of the country, implementation of managed care has prevented patients from continuing to receive health care services from nurse practitioners and clinical nurse specialists because they are not listed as primary care providers or preferred providers. Advanced practice nurses provide cost-effective, local, quality care, and I am concerned about early reports that access to these professionals is being limited by new health delivery arrangements. We should certainly keep an eye on this issue as Medicaid managed care systems develop.

Mr. President, I hope my colleagues will carefully consider the issues I have raised and support the measure I am introducing today, recognizing the critical role nurse practitioners and other nonphysician health professionals play in our health care delivery system, as well as the increasingly significant contribution they can make in the future. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicaid Nursing Incentive Act of 1999''.

SEC. 2. MEDICAID COVERAGE OF ALL CERTIFIED NURSE PRACTITIONER AND CLINICAL NURSE SPECIALIST SERVICES.

(a) IN GENERAL.—Section 1905(a)(21) of the Social Security Act (42 U.S.C. 1396d(a)(21)) is amended to read as follows:

''(21) services furnished by a certified nurse practitioner (as defined by the Secretary) or clinical nurse specialist (as defined in subsection (v)) which the certified nurse practitioner or clinical nurse specialist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law), whether or not the certified nurse practitioner or clinical nurse specialist is under the supervision of, or associated with, a physician or other health care provider;''.

(b) CLINICAL NURSE SPECIALIST DEFINED.—Section 1905 of such Act (42 U.S.C. 1396d) is amended by adding at the end the following:

''(v) The term 'clinical nurse specialist' means an individual who—

''(1) is a registered nurse and is licensed to practice nursing in the State in which the clinical nurse specialist services are performed; and

''(2) holds a master's degree in a defined area of clinical nursing from an accredited educational institution.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective with respect to payments for calendar quarters beginning on or after January 1, 2000.

By Mr. BINGAMAN (for himself and Mr. CHAFEE):

S. 864. A bill to designate April 22 as Earth Day; to the Committee on the Judiciary.

EARTH DAY ACT

Mr. BINGAMAN. Mr. President, this bill that I have sent to the desk is being introduced on behalf of myself and Senator CHAFEE. It is entitled ''The Earth Day Act.'' Its purpose is to designate April 22 as Earth Day.

Today, of course, is April 22. Let me provide a little history for my colleagues or anyone listening.

The first Earth Day was 29 years ago, in 1970, and I think we are all aware that Earth Day was first conceived by our former colleague, Senator Gaylord Nelson, who is universally considered the founder of Earth Day.

He has written a short summary of what brought Earth Day about, how it came about. In it he points out that in a speech that he gave in Seattle in September of 1969, he announced that there would be a national environmental teach-in in the spring of 1970. And the wire services picked up that story. And the next thing he knew, there was a movement afoot to actually have that happen.

That first Earth Day involved some 20 million Americans. Since then, the concept and the idea of Earth Day has focused the attention of the country, focused the attention of the world, in fact, on the importance of our environment and the importance of preserving and maintaining our environment. We have a great debt of gratitude we owe to former Senator Nelson for his leadership on this.

We also owe a great debt of gratitude to the person that did the nuts and bolts work of organizing that first Earth Day, and that, of course is Denis Hayes. He is now president of the Seattle-based Bullitt Foundation, but he has been recognized recently by Time magazine as one of their heroes of the planet. I think his instrumental role, his essential role in bringing about that first Earth Day, making such a success of it, has been recognized by all.

He is now, of course, trying to get in place the organization to make Earth Day 2000, which will occur exactly a year from today, an even greater celebration than we have known before.

Mr. President, I firmly believe that it is appropriate that we officially designate April 22 as Earth Day and that we permanently designate it as Earth Day. It has come to be known as Earth Day—April 22—for all of us. There are celebrations and teach-ins, and recognitions going on throughout our country today. As we hear the news about Kosovo, which is bad, and the news about Littleton, Colorado, and the terrible tragedy there, which is bad, and many of the other news stories that bombard us, it is good to know that there is one news story that we can all celebrate and rally around, and that is that today, again, we will be able to celebrate Earth Day.

Mr. President, it is my sincere hope that Senator CHAFEE and I can work in the next year to gain additional cosponsors and to obtain enactment of this, so that by the time Earth Day 2000 arrives, we will be able to have this in law, have it signed by the President. I am sure it will be supported by all of our colleagues. I think we all recognize the importance of this to many of the people we represent. I hope very much that the bill can be enacted.

By Mr. BIDEN:

S. 865. A bill to amend the Internal Revenue Code of 1986 to provide the same tax treatment for danger pay allowance as for combat pay; to the Committee on Finance.

DIPLOMATIC DANGER PAY

Mr. BIDEN. Mr. President, today I want to right a wrong—a small wrong, but a wrong nevertheless. It affects a handful of our diplomats who serve in the world's most dangerous places: Beirut, Bosnia, Kosovo, the unsettled nations of Africa and the former Soviet Union and elsewhere. And unfortunately, as the events of recent weeks prove, the need for Americans—soldiers and diplomats alike—to go in harm's way, is unlikely to abate.

Our diplomats, colleagues of those killed last summer in the tragic embassy bombings in Africa, receive an allowance for their service in the most frightening places in the world—a danger allowance.

This allowance is not unlike that paid to our military when they are in combat. In fact, in some places, such as Bosnia, where our military and diplomatic personnel serve side by side, both receive a special allowance for their sacrifices.

The military justifiably receives this benefit tax-free. But our diplomatic personnel do not. Through an oversight in the Internal Revenue Code, diplomats are taxed on their danger pay, even though they often face similar hardships and dangers. I think that's wrong.

I have a bill which would amend the Internal Revenue Code to right this wrong. It affects just a handful of people. But to them it will serve as recognition of the sacrifice they make when they represent the American people in dangerous settings overseas. I urge its quick passage.

I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF DANGER PAY ALLOWANCE.

(a) IN GENERAL.—Subchapter C of chapter 80 of the Internal Revenue Code of 1986 (relating to provisions affecting more than one subtitle) is amended by adding at the end the following:

"SEC. 7874. TREATMENT OF DANGER PAY ALLOWANCE.

''(a) GENERAL RULE.—For purposes of the following provisions, a danger pay allowance area shall be treated in the same manner as if it were a combat zone (as determined under section 112):

''(1) Section 2(a)(3) (relating to special rule where deceased spouse was in missing status).

''(2) Section 112 (relating to the exclusion of certain combat pay of members of the Armed Forces).

''(3) Section 692 (relating to income taxes of members of Armed Forces on death).

''(4) Section 2201 (relating to members of the Armed Forces dying in combat zone or by reason of combat-zone-incurred wounds, etc.).

''(5) Section 3401(a)(1) (defining wages relating to combat pay for members of the Armed Forces).

''(6) Section 4253(d) (relating to the taxation of phone service originating from a combat zone from members of the Armed Forces).

''(7) Section 6013(f)(1) (relating to joint return where individual is in missing status).

''(8) Section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone).

''(b) DANGER PAY ALLOWANCE AREA.—For purposes of this section, the term 'danger pay allowance area' means any area in which an individual receives a danger pay allowance under section 5928 of title 5, United States Code, for services performed in such area.''

(b) CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 80 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''Sec. 7874. Treatment of danger pay allowance.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to remuneration paid in taxable years ending after the date of the enactment of this Act.

Mr. THURMOND. Mr. President, among the worst situations facing spouses, children, and families of members of the United States Armed Forces, is to be greeted by an official party, wearing their dress blue uniforms, announcing the grim news that their loved one has been killed or declared missing.

On Sunday, September 14, 1997 nine families endured such an experience as the United States Air Force declared one of its C–141 Starlifter cargo planes, en route from Namibia to Ascension Island, was overdue and presumed to have gone down in the Atlantic Ocean. At the same time, a German military plane was also declared missing in the same area, amid indications that the two planes had collided and crashed into the Atlantic.

An extensive search was begun, during which only a few airplane seats, a few papers, some debris from the U.S. cargo plane, remnants of the German aircraft, and the body of one victim were recovered. No other remains were recovered, and no survivors were located. On Saturday, September 27, 1997 the search for the crewmen of the Air Force jet ended and all were declared dead.

Mr. President, an investigation confirmed everyone's worst fears. In fact, on that fateful day—September 13, 1997—a German Luftwaffe Tupelov TU–154M collided with a U.S. Air Force C–141 Starlifter off the coast of Namibia, Africa. As a result of that mid-air collision nine United States Air Force Service members were killed. These are the rank, name, age, assignment, and hometowns of those killed: Staff Sergeant Stacy D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrans Road, Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania;

At McGuire Air Force Base, New Jersey, families and members of the crewmen's squadron from the 305th Operation Group were trying to make sense of what happened. Monica Cindrich, wife of the pilot, had to explain to her 3 year-old son why his father would not be returning. On the day following the crash, Sharla Bucknam went alone to her son Andrew's third birthday party. Any Smart held out hope that her fiancé, Captain Ramsey, would return for their wedding, planned for the following May. And Justin Drager's father, Larry, a retired Air Force Master Sergeant prayed for a miracle. It was his son's very first mission since the Air Force certified him as a loadmaster on the giant cargo plane that would take the 19-year-old from Colorado Springs to the faraway places he joined the military to see.

At a memorial service at McGuire Air Force Base, the nine crew members were honored as heroes who gave their lives for a humanitarian mission. The plane was returning home to McGuire after delivering troops and 32,000 pounds of mine-clearing equipment to Namibia. As the chaplain called the names of each crew member in a final roll call, a squadron member answered ''Absent, sir.'' The crowd of more than 3,000 stood solemnly as a lone bugler played taps and three C–141s flew over in formation.

Formal investigations by both the government of Germany and the United States Air Force found that the German military plane was flying at the wrong altitude. The two planes, occupying the same air space, at the same altitude, closed on each other at a combined speed of over 1,000 miles per hour. The two planes hit almost nose to nose.

The German crew saw the U.S. plane about a second before impact and struggled for two-and-a-half minutes to regain control of the TU–154 as it crashed into the Atlantic.

The German military transport was carrying 12 German marines, two of their spouses and 10 crew members. Unfortunately, there were no survivors. The German Air Force plane was en route from Germany to Cape Town, South Africa, where the marines were to have participated in a boat race marking the 75th anniversary of the South African Navy.

The details concerning the crash are unsettling and I doubt anyone would want to die in the manner that the crew of ''MISSION REACH 4201'' did. While the German crew had about a one-and-one-half second warning that they were going to collide with another aircraft, the crew aboard the C–141 literally did not know what hit them.

The cockpit voice recorder aboard the American aircraft chillingly captures the conversations of the ''MISSION REACH 4201'' crew as fate cruelly

steers the two military transports toward a deadly collision. Reviewing the transcript shows that Captains Greg Cindrich and Peter Vallejo—the two pilots of the Starlifter—had no inclination that a collision was imminent until it was too late. The two officers were discussing topics such as Social Security and the exploration of Mars.

The tape indicates that the crew survived for at least 13 seconds following the impact with the German transport. In those 13 seconds, the C–141 and crew of ''MISSION REACH 4201'' began hurtling toward the Atlantic Ocean. They spent the last 13 seconds of the flight, of their lives, strapping on oxygen masks and looking for flashlights to cope with a failed electrical system. Aviation experts have determined that it is possible that the nine doomed men may have actually survived for as long as 30-seconds before the C–141 exploded. For thirteen to 30 seconds, these men fought to survive, fought to right their plane, fought for their very lives. If thirteen to 30 seconds sounds like a short amount of time, I challenge anyone to try holding their hand over a burning match for that amount of time, let alone spend that amount of time aboard a multi-ton aircraft as it plummets toward the ocean. These men were able to contemplate for thirteen to 30 seconds that their aircraft was damaged and diving toward the ocean from an altitude of 35,000 feet. That was thirteen to 30 seconds that these men could have been thinking that no C–141 had successfully survived a crash landing in water. It was thirteen to 30 seconds for these men to realize that they were about to die.

Somewhere between thirteen and thirty seconds after the collision, the C–141 of ''Mission Reach 4201'' exploded and what did not vaporize became debris that was spread on the surface of the ocean, or sunk to its cold and murky depths. Needless to say, rescuers and salvage operators never recovered much of the American aircraft or crew. The Air Force ultimately found a few parts of the airplanes and 15 pounds of human remains of such minute quantities that DNA testing had to be conducted to determine who was who. As a point of comparison, a bag of cement is approximately 20 pounds. You could have put the entire remains of nine adult men in a bag that is used to hold cement and have room left over. There were not enough remains left of any one of the crew members to afford their families the comfort of laying their sons, fathers, brothers, and husbands to rest. Instead, only mementos were placed in caskets and buried.

Accident investigations conducted by the United States Air Force and the German Ministry of Defense both concluded that fault for the collision and deaths lay with the German crew, who not only filed an inaccurate flight plan, but were flying at the wrong altitude. The crew of the C–141 were operating appropriately, and were exactly where they were supposed to be when they met their untimely deaths. These nine men died through no fault or negligence of their own, the United States Air Force, or the government of the United States.

The families of each of the nine victims have endured not only tremendous mental anguish and suffering, but significant financial losses, and understandably, they are seeking compensation from the German government. Sadly, despite the fact that this crash took place almost two-years-ago, the German government has still to make the first pfenning of compensation to any of the victims' families.

I rise today to offer a Sense of the Senate resolution that calls upon the German government to make quick and generous compensation to these families. Just as this Body agreed by unanimous consent on March 23, to authorize the Secretary of Defense to make humanitarian relief payments of up to $2 million to each of the families killed in Cavalese, Italy when a Marine Corps jet struck a ski gondola, we should go on the record as expecting equitably fair and expeditious relief for the families of our servicemen killed through the negligence of the German government.

It gives me no pleasure to offer this resolution. The German government and people are unquestionably among the closest of allies and the best of friends. We stood side-by-side during the Cold War, facing down the Eastern threat; we are working side-by-side in the Balkans now; our economies are linked; and we value the strong relationship between our two nations. Nevertheless, the Federal Republic of Germany has an undeniable responsibility to make quick and generous compensation to the nine families who lost loved ones aboard ''MISSION REACH 4201'' and I have pledged to Monica Cindrich, the widow of Captain Gregory Cindrich and the mother of their four-year-old son, that I will do all within my power to bring not only compensation to her, but closure to this tragedy. Passing this sense of the Senate resolution will help do just that.

Each of us gets into public service because we desire to help people, to do what is right, and to fight for fairness. This Sense of the Senate resolution allows us to achieve each of those goals. By securing compensation for the deaths of the nine men killed, we will unquestionably be helping their families; we will be making a stand for what is right by making a stand for our military families; and finally, we will be fighting for fairness. Just as our government has recognized our responsibility in the case of the Italian ski gondola incident, it is only fair that the German government recognize their responsibility and obligation in this matter.

It is my hope that this resolution will pass with the support of an overwhelming majority of Senators. By voting for this provision, each of you will not only be sending an unmistakable message to the German government, but perhaps even more importantly, you will be signaling to our men and women in uniform that their elected officials will always stand by them.

By Mr. CONRAD (for himself, Mr. CRAIG, and Mr. DORGAN):

S. 866. A bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the Medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements; to the Committee on Finance.

ANESTHESIA SERVICE PRESERVATION ACT

Mr. CONRAD. Mr. President, I rise today to introduce legislation which would help clarify an issue that relates to Medicare coverage for anesthesia services and its impact on rural health care.

As a senator representing a predominantly rural state, I know only too well the difficulties facing rural health care needs. Access to care in rural areas is slowly worsening as more and more rural hospitals close their doors in the face of overwhelming cost pressures. Clearly, one aspect of access to care is access to surgical procedures. And without anesthesia services, general surgery becomes impossible.

Certified registered nurse anesthetists (CRNAs) tend to be the predominant anesthesia provider in rural and undeserved urban areas. In fact, CRNAs are the sole anesthesia provider in 65% of rural hospitals and in addition, provide at least 65% of the nation's anesthesia needs. The simple fact is that anesthesiologists have not been moving into rural areas in any significant numbers, and are not expected to do so in the foreseeable future. Given this trend, if rural hospitals are going to stay open, they desperately need CRNAs for their anesthesia and ultimately their surgical needs. That means we have to maintain a healthy supply of CRNAs to maintain access to care for rural Medicare beneficiaries.

Unfortunately, current Medicare rules with respect to supervision provide a disincentive for hospitals to use nurse anesthetists. Medicare's regulations require physician supervision of CRNAs as a condition for hospitals or ambulatory surgical centers to receive Medicare reimbursement, despite many state laws that allow nurse anesthetists to practice without such supervision. Although HCFA has issued a proposed rule that would drop this requirement and defer to states on the issue of supervision, this rule has never been finalized.

The federal supervision requirement creates several problems for CRNAs. First, some surgeons and hospitals have been dissuaded from working with

CRNAs, in the face of arguments that the physicians may be subjecting themselves to liability for engaging in supervision. But the truth is, the attending physician—or the hospital—is no more legally liable for the CRNAs actions than he or she is for the acts of an anesthesiologist. Second, the federal restriction is anti-competitive, acting as a disincentive for CRNAs to be used. Finally, the restriction creates an inaccurate perception among some surgeons that they have an obligation to direct or control the substantive course of the anesthetic process, even though there is no such obligation.

The legislation I am introducing today would eliminate the Federal supervision requirement and instead direct Medicare to defer to state law requirements on supervision. By eliminating this prescriptive federal regulation, we can better maximize the use of nurse anesthetists and eliminate the confusion surrounding CRNA supervision. At a time when the Congress is seeking ways to reduce costs for the Medicare program without sacrificing quality or access to care, increasing the use of nurse anesthetists seems particularly appropriate.

In terms of quality of care, there are no significant differences between anesthesia provided by CRNAs or that provided by anesthesiologists. Notwithstanding the claims of anesthesiologists, it is clear from a careful reading of the studies that there are no quantifiable differences in outcomes when CRNAs work with anesthesiologists, or when anesthesiologists provide anesthesia alone. CRNAs have been providing anesthesia services for more than a century. They have been the principal anesthesia providers in combat areas in every war the United States has been engaged in since World War I. CRNAs have received medals and accolades for their dedication, commitment and competence. And CRNAs perform the same anesthesia delivery function as anesthesiologists and work in every setting in which anesthesia is delivered: traditional hospital suites, obstetrical delivery rooms, dentist's offices, HMO's ambulatory surgical centers, Veterans Administration facilities and others.

Mr. President, the Federal Government is deferring to state judgment on a whole host of issues, so it seems completely consistent to let states decide how best to use nurse anesthetists, particularly in light of CRNA's long track record of success. States, which have the primary responsibility for regulating nurse practice, have generally not seen any need for a physician supervision requirement in non-Medicare settings. Twenty-nine states do not require supervision of CRNAs in nurse practice acts or board of nursing rules. This clearly indicates that many states, as a matter of public policy, do not believe it is necessary to require physician supervision of CRNAs. It is easy to understand why. Anesthesia is provided only when necessary to permit some medical procedure or intervention. Thus, as a practical matter even when supervision is not required as a matter of law, a surgeon, podiatrist, or dentist will be in the room when anesthesia is provided, and would be capable of handling any emergency that might arise.

Finally, I would note that when CRNAs were given direct Medicare reimbursement in 1986, there was no statutory requirement that CRNAs be supervised by physicians in order to receive reimbursement. This was not a requirement imposed by Congress then, nor has there been one since. Had Congress believed that such a requirement was appropriate, it would have been imposed as a condition of reimbursement at that time. Moreover, HCFA routinely defers to the states on scope of practice issues as its relates to other health care professionals.

This proposed change is supported by the American Hospital Association and the National Rural Health Association. I urge my colleagues to support this legislation and let the states make their own decisions about how to regulate a health care professional's scope of practice. Rural and undeserved urban areas need CRNAs and it's time the federal government removed impediments in regulations so that consumers' access to anesthesia care, particularly in rural areas, will not be jeopardized.

By Mr. ROTH (for himself, Mr. CHAFEE, Mr. BAUCUS, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. BIDEN, Mr. LAUTENBERG, Mrs. MURRAY, Mrs. BOXER, Mr. KERRY, Mr. KENNEDY, Mr. WELLSTONE, Mr. TORRICELLI, Mr. HARKIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. FEINGOLD, Mr. KOHL, Mr. DODD, Mr. LEAHY, Mr. WYDEN, and Mr. DURBIN):

S. 867. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

ARCTIC NATIONAL REFUGE WILDERNESS ACT OF 1999

Mr. ROTH. Mr. President, in 1960 President Dwight Eisenhower had the wisdom to set aside a portion of America's Arctic for the benefit and enjoyment of future generations. His Arctic National Wildlife Refuge protected the highest peaks and glaciers of the Brooks Range, North America's two largest and most northerly alpine lakes, and nearly 200 different wildlife species, including polar bears, grizzlies, wolves, caribou, and millions of migratory birds.

Eisenhower's Secretary of Interior Fred Seaton called the new Arctic Range, ''one of the most magnificent wildlife and wilderness areas in North America . . . a wilderness experience not duplicated elsewhere.

With this in mind, I reintroduce legislation today, Earth Day 1999, that designates the coastal plain of Alaska as wilderness area. At the moment this area is a national wildlife refuge—one of our most beautiful and last frontiers. This legislation, the Arctic National Refuge Wilderness Act of 1999, would forever safeguard this great national treasure from oil exploration and development.

And I can't stress how important this is.

The Alaskan wilderness area is not only a critical part of our Earth's ecosystem—the last remaining region where the complete spectrum of arctic and subarctic ecosystems comes together—but it is a vital part of our national consciousness. It is a place we can cherish and visit for our soul's good.

The Alaskan wilderness is a place of outstanding wildlife, wilderness and recreation, a land dotted by beautiful forests, dramatic peaks and glaciers, gentle foothills and undulating tundra. It is untamed—rich with caribou, polar bear, grizzly, wolves, musk oxen, Dall sheep, moose, and hundreds of thousands of birds—snow geese, tundra swans, black brant, and more. Birds from the Arctic Refuge fly to or through every state in the continental U.S. In all, Mr. President, about 165 species use the coastal plain.

It is an area of intense wildlife activity. Animals give birth, nurse and feed their young, and set about the critical business of fueling up for winters of unspeakable severity.

The fact is Mr. President, there are parts of this Earth where it is good that man can come only as a visitor. These are the pristine lands that belong to all of us. And perhaps most importantly, these are the lands that belong to our future.

Considering the many reasons why this bill is so important, I came across the words of the great Western writer, Wallace Stegner. Referring to the land we are trying to protect with this legislation, he wrote that it is 'the most splendid part of the American habitat; it is also the most fragile.' And we cannot enter 'it carrying habits that [are] inappropriate and expectations that [are] surely excessive.'

What this bill offers—and what we need—is a brand of pragmatic environmentalism, an environmental stewardship that protects our important wilderness areas and precious resources, while carefully and judiciously weighing the short-term desires or our country against its long-term needs.

Together, we need to embrace environmental policies that are workable and pragmatic, policies based on the desire to make the world a better place for us and for future generations. I believe a strong economy, liberty, and progress are possible only when we have a healthy planet—only when resources are managed through wise stewardship—only when an environmental ethic thrives among nations—and only when people have frontiers that are untrammeled and able to host their fondest dreams.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF PORTION OF ARCTIC NATIONAL WILDLIFE REFUGE AS WILDERNESS.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended by adding at the end the following:

''(p) DESIGNATION OF CERTAIN LAND AS WILDERNESS.—Notwithstanding any other provision of this Act, a portion of the Arctic National Wildlife Refuge in Alaska comprising approximately 1,559,538 acres, as generally depicted on a map entitled 'Arctic National Wildlife Refuge—1002 Area. Alternative E—Wilderness Designation, October 28, 1991' and available for inspection in the offices of the Secretary of the Interior, is designated as a component of the National Wilderness Preservation System under the Wilderness Act (16 U.S.C. 1131 et seq.).''.

Mr. LIEBERMAN. Mr. President, I am proud to again join with Senator ROTH in the very important bipartisan effort to designate the coastal plain of the Arctic National Wildlife Refuge as wilderness—forever.

Today is Earth Day 1999. The introduction of the Arctic Wilderness Act is particularly appropriate on Earth Day because it will provide permanent protection for the unique and irreplaceable natural resources of an area that is the ''biological heart'' of the North Slope of Alaska. The coastal plain is a vital part of the tundra ecosystem that some have referred to as ''America's Serengetti.''

On Earth Day, we should take extra measure of special, rare, and threatened places. The Arctic National Wildlife Refuge coastal plain is one of these places. It is one natural treasure that we must protect as wilderness for current and future generations.

The coastal plain of the Arctic National Wildlife refuge represents the wildest and most pristine arctic coastal ecosystem in the United States. The coastal plain is where the calves of the awe-inspiring Porcupine caribou herd are born every year. It is also where snow geese feed in the fall and many female polar bears choose to den.

During the summer, migratory birds such as the red-throated loon, American golden-plover, and semipalmated sandpiper and others flock to the coastal plain of the Arctic National Wildlife Refuge in great numbers. In the fall, they return southward to and through the state of Connecticut among other places. By dedicating the coastal plain of the Arctic National Wildlife Refuge as wilderness, we can help ensure that this ancient natural rite continues into the 21st Century.

For more than a decade, Congress has repeatedly debated the advisability of opening the Arctic National Wildlife Refuge coastal plain to oil and gas exploration and development. Time and again, Congress and the American people have rejected the notion that we should sacrifice our last vestige of arctic coastal plain to petroleum development. The decision to prohibit coastal plain petroleum development reflects the tremendous value Americans place in the preservation of our great wilderness areas.

The degradation caused by developing oil and gas in places worthy of wilderness designation is irreversible. Once developed, the wilderness value of a place is lost.

The Alaska Wilderness Act designates the coastal plain of the Arctic National Wildlife Refuge as wilderness—an area to remain wild and undeveloped in perpetuity—and thereby preserves one of the last great natural treasures on the North American continent for generations to come.

Mr. WELLSTONE. Mr. President, Earth Day is a celebration of the value and importance of our natural environment and a reminder of our duty to protect, rather than carelessly exploit and deplete, our natural heritage. Our commitment to future generations is something we in Minnesota take very seriously. It is a commitment to ensure that the environmental legacy we pass on to our children and grandchildren is not marred by failures such as the poisoning of our oceans, rivers, lakes and streams, the destruction of the natural habitat, and the irreversible extinction of species.

Environmental concerns have always been very important to me and to Minnesotans, and I am proud of the progress that we are making in protecting the environment. However, while recognizing the progress we have made, we Minnesotans also realize how much more needs to be done.

That is why I feel it is very appropriate that Senator ROTH, myself, and several of our colleagues, are introducing legislation on this day to designate a portion of the Arctic National Wildlife Refuge in Alaska as wilderness. My good friend Congressman BRUCE VENTO from Minnesota, along with over 150 of his colleagues, have introduced similar legislation in the House, called the Morris K. Udall Wilderness Act. This legislation is a tremendous step forward, crucial to preserving the biodiversity of one of our nation's last remaining frontiers.

This bill will designate the coastal plain of the Arctic Refuge as wilderness, protecting 1.5 million acres of some of the most unspoiled wilderness remaining in the United States. The Arctic National Wildlife Refuge is a one-of-a-kind national treasure, home to many unique species of plant and animal life, several of which are considered endangered or threatened. This magnificent wilderness contains a complete spectrum of arctic and sub-arctic ecosystems, which can be found nowhere else on the continent.

Moreover, the fragile balance of life in this wilderness is critical to the survival of the native Gwich'in Athabascan Indians of northeast Alaska, who depend on the land to maintain their centuries-old nomadic way of life. The Gwich'in rely on the 150,000-strong Porcupine River caribou herd, whose calving grounds are on the coastal plain.

Unfortunately, a few multinational oil companies have set their sights on this crown jewel of America's wilderness to extract their short-term profits. Oil drilling on the coastal plain would mean despoliation of this pristine land with hundreds of oil rigs, pipelines, air strips, and other industrial facilities. It would destroy one of the most magnificent wilderness areas in North America.

And it would do so much harm for so little gain. Allowing these multinationals to boost their profits by drilling oil would do nothing to solve our energy problems. The amount of oil that could potentially be recovered from the Refuge is relatively small, and most of it would likely be exported to Asia.

Instead of promoting oil drilling that destroys our natural environment, we should be promoting renewable sources of energy. In so doing, we could save more energy than would ever be extracted from the coastal plain of the Arctic Refuge.

Polls show that Americans strongly support protection of the Arctic Refuge. Yet the oil lobby in Washington has never suffered from a lack of representation. The oil multinationals pressure Congress every year to open up this coastal plain to drilling. It's time Congress stood up for the public interest, rather than the economic interests of the largest oil companies.

We have a responsibility to protect the environment for future generations. We must voice our protest and prevent those reckless policies which ignore the real costs of exhausting our natural resources and permanently distort our ecosystem's fragile balance.

We must continue to be a world leader in deterring the destruction of our natural heritage. We must continue to facilitate and promote successful programs that help us conserve and use our lands and resources wisely.

As we celebrate the last official Earth Day of the twentieth century, we must ensure that we will have cause to celebrate Earth Day in the twenty-first century. This legislation represents a significant step in the right direction, and I urge my colleagues to join us in cosponsoring this legislation on this very special day.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 868. A bill to make forestry insurance plans available to owners and operators of private forest land, to encourage the use of prescribed burning and fuel treatment methods on private forest land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FORESTRY INITIATIVE TO RESTORE THE ENVIRONMENT ACT OF 1999

Mr. GRAHAM. Mr. President, I have asked recognition this afternoon to commend the firefighters providing relief to the State of Florida and its citizens, which is once again besieged by fire due to excessive drought conditions. This, unfortunately, is not the first occasion on which I have risen to speak about forest fires in Florida.

The natural conditions in the State have been altered to the point where fires, normally a natural and essential part of the pine forests of this region, have burned uncontrollably, causing damage to local communities, private homes, and to the Florida forestry industry.

Last year, Florida sustained almost $300 million in private fire-related damage, and State and local governments spent over $100 million in responding to wild fires. Approximately 500,000 acres of forest were completely destroyed in 1998. And in 1999, fires in Florida have again commenced a process with severe consequences. As of today, 2,542 fires have burned more than 58,000 acres; 18 divisional forestry firefighters have been injured; 59 structures have been destroyed, and another 81 were damaged by fire.

Florida is not alone. Similar fires are occurring in Georgia, North Carolina, Arizona and New Mexico. My heart goes out to the unfortunate victims of these fires, as well as to the firefighters and volunteers who are working bravely to save families, homes and communities. As we speak, Americans from Alabama, Delaware, and Georgia, are fighting side by side with Floridians to prevent these fires in my State from endangering more lives, homes, and property. National Guardsmen, meteorologists, insurance specialist, and volunteers have converged in Florida to assist in response and recovery. These individuals' bravery and willingness to support people who they never met reaffirms our belief in the selflessness and vitality of the human spirit.

Mr. President, they say that a picture speaks a thousand words. I would like to draw your attention to the front page of the St. Petersburg Times of Tuesday, April 20, which has this dramatic picture of the Everglades afire. The Everglades, home to many endangered species, and the water source for millions of Floridians, has for the last several days been besieged by fire.

Now, fire is a natural phenomenon in the Everglades. It serves an important part in maintaining the ecosystem. However, human manipulation of this system has decreased water levels, making the Everglades more susceptible to fire and more ravaging consequences of that fire. This condition mirrors circumstances throughout Florida and many other States where efforts to prevent fires have allowed a large quantity of undergrowth to accumulate in our forestry lands.

As many of you know, the long-leaf pine ecosystem, which is prevalent in Florida and other southeastern States, depends heavily on the role of natural fire to rejuvenate the ecosystem. Prescribed burning mimics naturally occurring lightening fires, clears excess underbrush, which can rob lower plants of sunlight. This frequent, low-intensity fire retains the rich flora of the healthy long-leaf pine ecosystem. Without these frequent fires, underbrush robs lower plants, which in drought condition creates a ready fuel source for a fire. It is this situation that has led to severe wildfires in Florida.

Mr. President, today, I will be introducing legislation that is aimed at the prevention of the recurrence in the future and to assure that this tragedy does not bring a second tragedy—a permanent loss of our forest lands in Florida and in the southeast. I am introducing the Forestry Initiative to Restore the Environment Act of 1999 to mitigate the damages and prevent fire disasters in the future.

What exactly does mitigation of losses mean for us today? Let me focus on my State of Florida. There are currently 16 million acres of forested lands, making up 47 percent of the State's total land area. The majority of this land—over 7 million acres—is owned by private farmers and individual corporate landowners. The State of Florida is continuing to grow at an explosive pace. It already has over 15 million people, and in 25 years it is projected to have over 20 million people. This rapid growth is creating pressure on land values throughout Florida and creating a circumstance in which there could be a massive conversion of this 7 million acres of privately owned timberland for development purposes.

These 7 million acres not only provide a substantial amount of forest products for the Nation but also provide critical habitats for a unique group of plants and animals.

These 7 million acres help to contain a human population explosion that would create additional demands on the already scarce water supply in Florida and lead to degradation of water quality.

It is therefore in our Nation's interest to maintain Florida's existing timber lands for community use.

This legislation provides a long-term plan to restore and protect private forestry lands damaged by wildfires and other natural disasters. It directs the U.S. Department of Agriculture to act on its existing authority to develop a crop insurance program for small forestry landowners.

This type of program—which allows producers to invest in their own future to protect themselves from natural disasters such as fires, hurricanes, or tornadoes—will provide the same protection for forestry producers as is provided through USDA insurance plans for crops such as wheat or corn.

The availability of this support in times of disaster will provide incentives for private landowners to retain lands in forestry after disasters such as the current wildfires that we are experiencing in 1999.

The second part of our legislation will help to reduce the severity of future fire disasters by increasing the incentives for prescribed burning.

The State of Florida has an active prescribed burning program and burns an average of two million acres per year, including forestry, grasslands, and agricultural lands.

However, as evidenced by this week's events, existing levels of prescribed burning are not enough.

Large quantities of brush fuel accompanied by drought have created dangerous wildfire conditions.

One solution is to increase the frequency of prescribed burning to reduce fuel levels and the severity of fires when they occur.

In a study conducted by the Florida Division of Forestry, Orlando District, for the period 1981 to 1990, it was shown that an increase in prescribed burning leads to a decrease in the frequency of wildfires.

The study compared two counties—Osceola County and Brevard County which differ in the amount of prescribed burning they conduct.

Approximately five-hundred thousand acres are burned in Osceola County every 2 or 4 years. This compares with just over two-hundred and fifty thousand acres of lands in Brevard County on which prescribed burning is conducted.

The study found that the number of wildfires, the acres burned, and the average wildfires per acre were lower in Osceola County than Brevard County.

Our legislation attempts to encourage the use of prescribed burning as a forest management tool on private lands.

First, it authorizes the U.S. Forest Service to provide both technical and financial assistance for prescribed burning to states.

Grants to pay up to 75 percent of the cost of carrying out prescribed burns would be made to private landowners.

Second, our legislation seeks to enhance public support for the use of prescribed fire by addressing one of the most challenging issues—the misunderstanding of urban and suburban residents of the purpose of prescribed burning.

In the urban interface zone where much of Florida's forested lands are located, the opposition of local residents to smoke plumes can stop any efforts to conduct prescribed burning.

Our bill requires that the U.S. Forest Service and the Environmental Protection Agency develop education and outreach programs on this topic and make them available to state environmental and forest management agencies.

With these actions, this legislation will create a system to mitigate damages from wildfires. It will help to reduce the severity of future fires by removing obstacles for private landowners to conduct prescribed burns.

I hope you will join me in our long-term efforts to create a system for mitigating damages from natural disasters and reducing the severity of future wildfires by encouraging prescribed burning.

Mr. President, I ask unanimous consent that two items be printed in the RECORD.

The first is an April 18 article from the Miami Herald describing some of the wildfire damage which occurred in that city last week.

The second is an Associated Press story summarizing remarks made by the Secretary of the Interior supporting the use of prescribed burning at a wildlife conference in Gainesville, Florida this week.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Miami Herald, Apr. 18, 1999]

''HUGE WAVE'' OF FIRE STUNS PORT ST. LUCIE

(By Curtis Morgan)

PORT ST. LUCIE.—When Don Tagner pulled into his driveway at 4 p.m., the faint smoke curling in the pine scrub looked as harmless as late morning fog.

The fire seemed at a safe distance, a dozen blocks away. But as a precaution he sent his daughters off with a neighbor. Then he called around to cancel that evening's soccer practice.

When a neighbor pounded on his door 30 minutes later, Tagner opened it to a world he described as ''hell on a rampage.''

Black smoke blotted out the sun. He ran to his backyard just in time to recoil from a towering wall of fire rolling in like ''a huge wave. It sounded like a subway coming through. Whoosh.''

Like that, it engulfed Frank Schultz's home next door. Tagner rushed back in his home, grabbed his car keys and as he turned up a street toward safety, houses two blocks up San Sebastian Avenue turned into roaring red balls.

For the hundreds who fled it and the hundreds who fought it, Thursday's blaze truly was hellish, the wickedest, most destructive one-day wildfire in Florida in almost 15 years.

In a bit more than four hours, it raced three miles north-northeast from its starting point in southernmost Port St. Lucie—destroying 43 homes, damaging 33 others and scorching 545 acres in the heavily wooded neighborhoods east of Interstate 95.

''I've seen them travel fast before but I've never seen anything of this magnitude in the 16 years I've been fighting fires,'' said a weary, soot-stained Lt. Mike Gablemann of the St. Lucie County Fire District, who led a crew dousing hundreds of hot spots Friday—including a smoldering file cabinet in the Schultz home.

DROUGHT INDEX PEAKED

An unlucky combination of factors turned the small brush fire into a full-blown inferno.

Like most of Florida, a record drought has left much of rural St. Lucie County bone-dry and crisp as kindling.

''Just look at the grass,'' said Gene Madden, safety director for the state Division of Forestry. ''It's not green, it's brown. It crunches when you walk on it.''

At 1 p.m. Thursday, forecasters warned Treasure Coast counties that conditions for wildfires would peak that afternoon.

When the blaze flared up, so did the winds. It was like blowing on a hot coal.

A FIRE STORM

Fire crews rushing to contain the blaze battled to keep up, but couldn't, Gabelmann said. They were outmanned and outmaneuvered by the relentless winds. As quickly as trucks pulled up to one house, flames would appear in treetops a quarter of a mile away.

''No fire department, no fire personnel are going to get out in front of it and stop a fire like this,'' Madden said.

Fires leapt from point to point and house to house in a path a mile wide, with destruction as unpredictable as wind currents.

''What we saw was the definition of a fire storm,'' said Lt. Ron Parish of the St. Lucie County Fire District.

Firefighters were frustrated by their inability to do what they normally do: Put out fires. This was more like triage. Sometimes, they had to drive past one burning house to get to another where they believed people were trapped.

''Having to leave a house unprotected . . . gives you a sick feeling,'' Parrish said.

UNPREDICTABLE PATTERN

The random patterns of damage showed just how difficult it was to predict where the fires would turn next.

On one block, two homes back-to-back burned but a wooden swing set between them wasn't even singed. Hundreds of brush-choked undeveloped lots and wood-framed homes provided plentiful fuel—enough for the fire to jump the 100-foot-wide C–24 Canal.

Franklin Navas, a former firefighter from Costa Rica and now an equipment manager, credited the survival of his home to clearing brush a few feet behind his property line. Flames left the vinyl siding on one side of his home drooping like limp spaghetti—but the home stood.

Ironically, a large group of Port St. Lucie residents had opposed bringing city water to their neighborhoods—and even sued the town to block the process. Hydrants had been scheduled for the area within two years.

NO TIME TO GET DRESSED

Navas and his wife, Mayra, and two sisters visiting from New Jersey left at 4 p.m. as police began rolling through the neighborhood ordering evacuations by loud-speakers.

''Just in time,'' he said. As they pulled away, the flames had hit the lot next door.

For many, there was little time to pack family papers or heirlooms or even to get dressed.

Mike Azbell said his wife, Shelby, pulled children Marissa, 4, and Tyler, 2, into the car in a panic once she got word. ''Tyler was running around the house naked and he left naked.''

At 5 p.m., Florida Power & Light shut off power to about 5,000 customers—a move to protect firefighters from live, fallen wires. it also left remaining homeowners defenseless. Without power, their pumps couldn't pull water from their wells for the garden hoses that some tried to use in mostly fruitless efforts to halt flames.

Outside the roadblocks, homeowners worried about what they would find when they returned or pitched in to help others protect their homes.

About 50 evacuees gathered at Mike Schachter's house a block outside the cordoned-off area. Some helped hose down his house, while Schachter's mother, Barbara, fed others and baby-sat panicky children—including Mike's son, who celebrated his first birthday that night.

''Everyone just tried to help everyone else,'' Mike Schachter said.

SURVEYING THE DAMAGE

By 7:30 that night, man and nature combined to tame the wildfire.

''Mother Nature started it and Mother Nature pinched it off,'' Madden said.

Local firefighters managed with the help of crews that came from as far south as Hollywood and vital reinforcements from water-bearing helicopters and a tanker plane.

Several hundred residents spent the night in a Red Cross shelter at the Port St. Lucie Community Center. At daylight on Friday residents returned to neighborhoods that, while devastated in spots, could have been hit much worse. No one was killed or hurt and the number of homes that escaped damage far outnumbered those lost.

Martha Brann began crying when she thought about all she lost: photos of her children, her mother's gold wedding band and the diamond ring from her former husband—mementos representing the special people in her life.

''I couldn't get nothing,'' said Brann, 59.

But Tagner found all: His wood-framed home remained almost as he had left it. Grass had burned to within a foot of his patio and he lost two plastic garbage cans and a recycling bin, which, as it burned, slightly charred a small section of his garage.

''Everybody keeps asking me what my secret was,'' he said. ''It was just luck.''

BABBITT ADVOCATES PRESCRIBED BURNING

GAINESVILLE, FLA. (AP)—State and local governments need to get more aggressive in preventing wildfires by using prescribed burns, Interior Secretary Bruce Babbitt said Tuesday.

''By taking fire off the land, we've actually increased the fire hazard,'' Babbitt said. ''We must abandon a warfare suppression model and find a thoughtful, scientific, cooperative way to acknowledge this force of nature and harness it to provide a better balance on the landscape.''

In addition to the controlled burns, which are intentionally set fires ignited to reduce fuel for wildfires, Babbitt also advocated requiring stringent building requirements that help fireproof communities.

Babbitt, whose office oversees national parkland, spoke to about 300 foresters at the University of Florida's John Gray Distinguished Lecture Series.

Babbitt said most legislators haven't done enough to plan for prescribed burns and push private property owners to act.

''In Oakland, Calif., after the fire in the early '90s which just about wiped out the city, Alameda County actually passed an ordinance requiring brush control,'' Babbitt said.

''For landowners who didn't do it, the county would do it and add the costs to their property taxes. I don't know if that's the right answer, but it's a way to do it,'' he said.

In Florida, the state's Division of Forestry said it has authorized prescribed burns for 700,000 acres of land this year.

There is no statewide plan for specific prescribed burns, though private and public landowners have their own plans. A state forestry official said landowners are encouraged to perform prescribed burns, but they can't be forced.

''We can designate areas as high fire hazards and by designating that we can burn it for them, but we can't tell them that they're going to burn one-third of their acreage,'' said Jim Brenner, fire management administrator for the forestry division.

As for fireproofing communities, Babbitt said local governments need to ensure that homes get built with fire resistant roofing. He also said the homes should be far enough away from thick woods and hanging trees, such as pines, to prevent damage from an approaching fire.

Babbitt also said if Florida's fires tap the state's firefighting resources, federal authorities will help provide the needed manpower and equipment.

By Ms. COLLINS (for herself, Mr. ROTH, and Mr. GRASSLEY):

S. 870. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of the Inspector General within Federal departments, and for other purposes; to the Committee on Governmental Affairs.

INSPECTOR GENERAL ACT

Ms. COLLINS. Mr. President, today I am introducing the Inspector General Act Amendments of 1999. I am very pleased to be joined by my colleagues, Senators ROTH, GRASSLEY, and BOND, who have demonstrated unparalleled leadership on IG issues in the Senate. Indeed, Senator ROTH is one of the architects of the inspector general law, having advocated its creation in 1978 and, in 1982, having introduced legislation that created IGs in the Departments of Defense, Justice, and the Treasury. In such distinguished company, I am confident that my legislation hits the mark of improving an already invaluable program.

As chairman of the Permanent Subcommittee on Investigations, one of my top priorities since coming to the Senate has been the seemingly neverending fight against waste, fraud, and abuse. We have all heard the horror stories of $500 hammers and roads built to nowhere. The waste of scarce Federal resources not only picks the pockets of taxpayers, but also places severe financial pressures on already overburdened programs, in some cases forcing cutbacks in the delivery of vital Government services.

Over the past 2 years in my capacity as the subcommittee's chairman, I have seen disturbing fraud and waste firsthand in a wide variety of programs. Last year, for example, the subcommittee held several hearings to shine a spotlight on the massive fraud in the Medicare Program. To cite just one example of the subcommittee's findings, our investigation revealed that the Federal Government had been sending Medicare checks to 14 fraudulent health care companies. These companies provided absolutely no services to our senior citizens at all. Indeed, the address listed by one such company did not even exist, and if it had existed, it would have been located in the middle of the runway of the Miami International Airport.

The fraud we uncovered was stunning. It costs taxpayers millions of dollars each year, diverting scarce resources from the elderly and legitimate health care providers in a program already under enormous financial strain.

The Medicare fraud investigation and others like it were undertaken by my subcommittee working hand in hand with the inspectors general for a variety of Federal agencies. The inspectors general are charged with identifying and eliminating waste, fraud, and abuse in Federal programs administered by the agencies they monitor.

Last year marked the 20th anniversary of the IG Act, the law that Congress passed to create these guardians of the public purse. As we recognize this important milestone, it is important for Congress to take a close look at the IG system. We must build on its strengths and remedy its weaknesses.

Over the past 21 years, the inspector general community has grown from 12 in 1978 to 58 inspectors general today. Offices of Inspectors General receive more than a billion dollars in annual funding and employ over 12,000 auditors, criminal investigators, and support personnel. Each Office of Inspector General shoulders tremendous responsibilities and is given considerable power to uncover waste, fraud, and abuse within Federal programs.

By and large, the IG community has performed in an outstanding manner. IGs have made thousands of recommendations to Congress, ultimately saving taxpayers billions of dollars. Inspectors general have conducted investigations that have resulted in the recovery of hundreds of millions of dollars from companies and individuals who have defrauded the Federal Government.

The inspectors general have a demonstrated record of success over the past 20 years. But as with all Government entities, we must ensure that the IG community is as well-managed, accountable, and effective as possible. IGs are public watchdogs, but they, too, must be watched. With these principles in mind and drawing on my extensive work with the inspectors general over the past 2 years, I am today introducing legislation to improve the accountability, independence, and efficiency of the inspectors general program.

The legislation I am introducing is designed to increase the accountability of inspectors general while retaining and, in some aspects, strengthening the provisions in law that guarantee their independence from the agencies they oversee.

My bill establishes a renewable 9-year term of office for each of the inspectors general who are appointed by the President and confirmed by the Senate. Currently, Presidential IGs serve for an indeterminate term.

The IG community has testified that having a fixed term of office would provide them with the assurances they need to be able to perform their vital but, in some cases, unpopular oversight responsibilities in a more independent environment.

The 9-year term also would enhance IG autonomy because it would extend beyond two Presidential administrations.

There has been considerable turnover in some of the IG positions, and the establishment of a fixed term would also encourage inspectors general to serve for longer periods of time, thus, adding experience to the IG community. Finally, by providing a defined term of service, an appropriate framework is provided for the evaluation of the performance of each IG to determine if reappointment is warranted. Thus, Mr. President, the 9-year term I am proposing would both enhance the independence of the IGs while improving their accountability.

My legislation also takes steps to streamline the IG offices themselves, making them more efficient and flexible, by consolidating existing offices and by reducing the frequency with which IGs must prepare and file resource-intensive reports.

Some of the IGs' offices that exist today are very small, with just a handful of employees. They could be made more efficient and effective by transferring their functions to larger IG offices that oversee similar programs.

For example, my legislation consolidates the current stand-alone office of the Federal Labor Relations Authority IG, which has just one employee, into the Office of Personnel Management, thus eliminating unnecessary overhead and bureaucracy but continuing the vital audit and oversight capacity of both agencies. In total, three existing small IGs' offices would be consolidated into the IG offices of major departments and two smaller IG offices would be consolidated into one office.

Currently, Mr. President, the Offices of Inspectors General are required by law to provide semiannual reports to Congress. To increase the value of these reports, I am reducing this requirement to a single annual report and streamlining the information presented. In this way, Congress can focus on high-risk areas before they get worse and before the problems become more difficult to solve.

Mr. President, the inspectors general have made very valuable contributions to the efficient operation of the Federal Government. Their record, however, is not without blemish. For example, the community's record was tarnished by the activities of the inspector general at the Department of Treasury. After an extensive investigation, the Permanent Subcommittee on Investigations found this particular IG violated Federal contract laws in her award of two noncompetitive, sole source contracts.

These actions not only wasted thousands of dollars but also shook the confidence of Congress, the agency, and the public in the IG's ability to operate with the highest degree of integrity. It was extremely disturbing to find that this inspector general was herself guilty of wasting resources and abusing the public trust. At the conclusion of our investigation, one could not help but wonder, who is watching the watchdogs?

Let me emphasize, Mr. President, that in my view, problems like the ones we uncovered in the Treasury Department are very unusual. They are not characteristic of the IG community. They are not widespread. However, because the inspectors general are the very officials in the Government responsible for combating waste, fraud, and abuse, they should be held

to the very highest ethical standards. Even one example of impropriety is cause for concern.

To increase accountability, my legislation requires independent external reviews of each IG office every 3 years. It gives each office the flexibility to choose the most efficient method of review, but it does require that the watchdogs themselves submit to oversight by a qualified third party. This provision is intended to help ensure public confidence in the management and the efficiency of the IG offices and will provide valuable guidance to Congress in fulfilling our oversight responsibilities.

Mr. President, I am pleased to announce that the National Commission on the Separation of Powers has endorsed my recommendation that such an independent, external review be conducted of each IG office. The Commission is a bipartisan committee sponsored by the Miller Center for Public Affairs at the University of Virginia, and includes among its members former Senator Howard Baker, former White House Counsel Lloyd Cutler, former U.S. Attorney William Barr, former Secretary of State Lawrence Eagleburger, and former Director of Central Intelligence William Webster. I am very proud that my proposal has been endorsed by such an esteemed organization.

Mr. President, the legislation I introduce today represents a major step toward improving the effectiveness, the independence, and the accountability of the inspectors general program. I urge my colleagues to join me in this effort to strengthen and improve the inspectors general program as we approach the next century.

Thank you, Mr. President.

By Mr. LEAHY:

S. 871. A bill to amend the Immigration and Nationality Act to ensure that veterans of the United States Armed Forces are eligible for discretionary relief from detention, deportation, exclusion, and removal, and for other reasons; to the Committee on the Judiciary.

FAIRNESS TO IMMIGRANT VETERANS ACT OF 1999

Mr. LEAHY. Mr. President, I rise today to introduce legislation that would ensure that veterans of the United States Armed Forces are not summarily deported from this country. This bill would correct a grave injustice wrought by the recent changes in immigration policy, which has resulted in decorated war veterans being deported without any administrative or judicial consideration of the equities.

Under the immigration ''reform'' legislation enacted in 1996, Congress passed and the President endorsed a broad expansion of the definition of what makes a legal resident deportable. In the rush to be the toughest on illegal immigration, the bill also vastly limited relief from deportation and imposed mandatory detention for thousands of permanent residents in deportation proceedings.

The zealousness of Congress and the White House to be tough on aliens has successfully snared permanent residents who have spilled their blood for our country. As the INS prepares to deport these American veterans, we have not even been kind enough to thank them for their service with a hearing to listen to their story and consider whether, just possibly, their military service or other life circumstances outweighs the government's interest in deporting them.

Here is the cold and ugly side of our ''tough'' immigration policies. Here are the human consequences of legislating by 30-second political ad. Unfortunately the checks and balances of our government have failed these veterans because Congress and this Administration are determined not to be outdone by each other. ''Tough'' in this case means blinding ourselves to the personal consequences of these people. It means substituting discretion with a cold rubber stamp that can only say ''no.''

Our national policy on deportation of veterans is particularly outrageous at a time when we are sending tens of thousands of U.S. servicemen and women, including untold numbers of permanent residents, into harms way. Why has Congress asked the INS to devote its limited resources to hunting down non-citizens who previously answered this country's call to duty, some of whom were permanently disabled in the course of their service?

Interestingly, it appears that even the INS agrees that military service or other life circumstances may, on occasion, outweigh the government's interest in deportation. In one recent case, which I brought to the attention of INS Commissioner Meissner, the INS eventually reached this conclusion. I am honored if my intervention played a part in obtaining some semblance of justice for Sergeant Rafael Ramirez and his family. However, Sergeant Ramirez's example confirms the need to ensure that every veteran's case is carefully reviewed by an immigration judge empowered to do justice.

The legislation that I introduce today restores for veterans the opportunity to go before an immigration judge to present the equities of their case and to have a Federal court review any deportation decision. It also provides veterans with an opportunity to be released from detention while their case is under consideration.

The injustice addressed by this bill is just one egregious example of how recent immigration ''reform'' has resulted in the break-up of American families and the deportation of people who have contributed to our country. This Congress needs to address the broader injustices that our prior one-upmanship caused. In the meantime, this bill is an important step in the right direction.

By Mr. VOINOVICH (for himself, Mr. BAYH, Mr. DEWINE, Mr. ABRAHAM, Mr. LEVIN, and Mr. LUGAR):

S. 872. A bill to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

MUNICIPAL SOLID WASTE INTERSTATE TRANSPORTATION AND LOCAL AUTHORITY ACT OF 1999

Mr. VOINOVICH. Mr. President, today I am introducing legislation along with my colleague, Senator BAYH, that will allow states to finally obtain relief from the seemingly endless stream of solid waste that is flowing into states like Ohio and Indiana and many others.

Our bill, ''the Municipal Solid Waste Interstate Transportation and Local Authority Act,'' gives state and local governments the tools they need to limit garbage imports from other states and manage their own waste within their own states.

Ohio receives about 1.4 million tons of municipal solid waste annually from other states. While I am pleased that these shipments have been reduced since our record high of 3.7 million tons in 1989, I believe it is still entirely too high.

Because it is cheap and because it is expedient, other states have simply put their garbage on trains or on trucks and shipped it to states like Ohio, Indiana, Michigan, Pennsylvania and Virginia. This is wrong and it has to stop.

Many state and local governments have worked hard to develop strategies to reduce waste and plan for future disposal needs. As Governor of Ohio, I worked aggressively to limit shipments of out-of-state waste into Ohio through voluntary cooperation of Ohio landfill operators and agreements with other states. We saw limited relief. But honestly Mr. President, Ohio has no assurance that our out-of-state waste numbers won't rise significantly with the upcoming closure of the Fresh Kills landfill on Staten Island in 2001.

However, the federal courts have prevented states from enacting laws to protect our natural resources. What has emerged is an unnatural pattern where Ohio and other states—both importing and exporting—have tried to take reasonable steps to encourage conservation and local disposal, only to be undermined by a barrage of court decisions at every turn.

Quite frankly, state and local governments' hands are tied. Lacking a specific delegation of authority from Congress, states that have acted responsibly to implement environmentally sound waste disposal plans and recycling programs are still being subjected to a flood of out-of-state waste. In Ohio, this has undermined our recycling efforts because Ohioans continue to ask why they should recycle to conserve landfill space when it is being used for other states' trash. Our citizens already have to live with the consequences of large amounts of out-of-

state waste—increased noise, traffic, wear and tear on our roads and litter that is blown onto private homes, schools and businesses.

Ohio and many other states have taken comprehensive steps to protect our resources and address a significant environmental threat. However, excessive, uncontrolled waste disposal in other states has limited the ability of Ohioans to protect their environment, health and safety. I do not believe the commerce clause requires us to service other states at the expense of our own citizens' efforts.

A national solution is long overdue. When I became Governor of Ohio in 1991, I joined a coalition with other Midwest Governors—Governor BAYH (now Senator BAYH), Governor Engler and Governor Casey, and later Governors Ridge and O'Bannon—to try to pass effective interstate waste and flow control legislation.

In 1996, Midwest Governors were asked to reach an agreement with Governors Whitman and Pataki on interstate waste provisions. Our states quickly came to an agreement with New Jersey—the second largest exporting state—on interstate waste provisions. We began discussions with New York, but these were put on hold indefinitely in the wake of their May, 1996 announcement to close the Fresh Kills landfill.

The bill that Senator BAYH and I are introducing today reflects the agreement that our two states, along with Michigan and Pennsylvania, reached with Governor Whitman.

For Ohio, the most important aspect of this bill is the ability for states to limit future waste flows. For instance, they would have the option to set a ''permit cap,'' which would allow a state to impose a percentage limit on the amount of out-of-state waste that a new facility or expansion of an existing facility could receive annually. Or, a state could choose a provision giving them the authority to deny a permit for a new facility if it is determined that there is not a local or in-state regional need for that facility.

These provisions provide assurances to Ohio and other states that new facilities will not be built primarily for the purpose of receiving out-of-state waste. For instance, Ohio EPA had to issue a permit for a landfill that was bidding to take 5,000 tons of garbage a day—approximately 1.5 million tons a year—from Canada alone, which would have doubled the amount of out-of-state waste entering Ohio. Thankfully this landfill lost the Canadian bid. Ironically though, the waste company put their plans on hold to build the facility because there is not enough need for the facility in the state and they need to ensure a steady out-of-state waste flow to make the plan feasible.

With the announcement to close the Fresh Kills landfill, it is even more critical to Ohio that states should receive the authority to place limits on new facilities and expansions of existing facilities. The Congressional Research Service estimates that when Fresh Kills closes, there will be an additional 13,200 tons of garbage each day diverted to other facilities. However, CRS also points out that there is only about 1,200 tons per day of capacity available in the entire state of New York. Even if New York handles some of that 13,200 tons a day in-state, it is estimated that about 4 million tons per year will still need to be managed outside the state from that landfill alone.

In addition, this bill would ensure that landfills and incinerators could not receive trash from other states until local governments approve its receipt. States also could freeze their out-of-state waste at 1993 levels, while some states would be able to reduce these levels to 65 percent by the year 2006. This bill also allows states to reduce the amount of construction and demolition debris they receive by 50 percent in 2007 at the earliest.

States also could impose up to a $3-per-ton cost recovery surcharge on out-of-state waste. This fee would help provide states with the funding necessary to implement solid waste management programs.

And finally, the bill grants limited flow control authority in order for municipalities to pay off existing bonds and guarantee a dedicated waste stream for landfills or incinerators.

Flow control is important to states like New Jersey, which has taken aggressive steps to try to manage all of its trash within its borders by the year 2000. New Jersey communities have acted responsibly to build disposal facilities to help meet that goal. However, if Congress fails to protect existing flow control authorities, repayment of the outstanding $1.9 billion investment in New Jersey alone will be jeopardized.

I am deeply concerned that responsible decisions made by Ohio, New Jersey and other states have been undermined and have put potentially large financial burdens on communities and have encouraged exporting states to pass their trash problems onto the backs of others.

Twenty-four Governors, including Governor Whitman, and the Western Governors' Association have sent letters to Congress strongly supporting the provisions that are in our bill.

Unfortunately, efforts to place reasonable restrictions on out-of-state waste shipments have been perceived by some as an attempt to ban all out-of-state trash. On the contrary, Senator BAYH and I are not asking for outright authority for states to prohibit all out-of-state waste, nor are we seeking to prohibit waste from any one state.

We are asking for reasonable tools that will enable state and local governments to act responsibly to manage their own waste and limit unreasonable waste imports from other states. Such measures would give substantial authority to limit imports and plan facilities around our own states' needs.

I believe the time is right to move an effective interstate waste bill. The bill we are introducing today is a consensus of importing and exporting states—states that have willingly come forward to offer a reasonable solution.

Congress must act this year to give citizens in Ohio and other affected states the relief they need from the truckloads of waste passing through their communities. We have waited too long for a solution. Congress must act now to prevent this problem from spreading further to our neighbors out West and to help our neighbors in the East better manage the trash they generate.

I ask unanimous consent that the full text of the bill and a letter from Governors O'Bannon, Taft, Engler and Whitman and one from Governor Ridge be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Municipal Solid Waste Interstate Transportation and Local Authority Act of 1999''.

SEC. 2. AUTHORITY TO PROHIBIT OR LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT EXISTING FACILITIES.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following:

''SEC. 4011. AUTHORITY TO PROHIBIT OR LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT EXISTING FACILITIES.

''(a) DEFINITIONS.—In this section:

''(1) AFFECTED LOCAL GOVERNMENT.—The term 'affected local government', with respect to a facility, means—

''(A) the public body authorized by State law to plan for the management of municipal solid waste for the area in which the facility is located or proposed to be located, a majority of the members of which public body are elected officials;

''(B) in a case in which there is no public body described in subparagraph (A), the elected officials of the city, town, township, borough, county, or parish selected by the Governor and exercising primary responsibility over municipal solid waste management or the use of land in the jurisdiction in which the facility is located or proposed to be located; or

''(C) in a case in which there is in effect an agreement or compact under section 105(b), contiguous units of local government located in each of 2 or more adjoining States that are parties to the agreement, for purposes of providing authorization under subsection (b), (c), or (d) for municipal solid waste generated in the jurisdiction of 1 of those units of local government and received in the jurisdiction of another of those units of local government.

''(2) AUTHORIZATION TO RECEIVE OUT-OF-STATE MUNICIPAL SOLID WASTE.—

''(A) IN GENERAL.—The term 'authorization to receive out-of-State municipal solid waste' means a provision contained in a host community agreement or permit that specifically authorizes a facility to receive out-of-State municipal solid waste.

''(B) SPECIFIC AUTHORIZATION.—

''(i) SUFFICIENT FORMULATIONS.—For the purposes of subparagraph (A), only the following, shall be considered to specifically authorize a facility to receive out-of-State municipal solid waste:

''(I) an authorization to receive municipal solid waste from any place within a fixed radius surrounding the facility that includes an area outside the State;

''(II) an authorization to receive municipal solid waste from any place of origin in the absence of any provision limiting those places of origin to places inside the State;

''(III) an authorization to receive municipal solid waste from a specifically identified place or places outside the State; or

''(IV) a provision that uses such a phrase as 'regardless of origin' or 'outside the State' in reference to municipal solid waste.

''(ii) INSUFFICIENT FORMULATIONS.—For the purposes of subparagraph (A), either of the following, by itself, shall not be considered to specifically authorize a facility to receive out-of-State municipal solid waste:

''(I) A general reference to the receipt of municipal solid waste from outside the jurisdiction of the affected local government.

''(II) An agreement to pay a fee for the receipt of out-of-State? municipal solid waste.

''(C) FORM OF AUTHORIZATION.—To qualify as an authorization to receive out-of-State municipal solid waste, a provision need not be in any particular form; a provision shall so qualify so long as the provision clearly and affirmatively states the approval or consent of the affected local government or State for receipt of municipal solid waste from places of origin outside the State.

''(3) DISPOSAL.—The term 'disposal' includes incineration.

''(4) EXISTING HOST COMMUNITY AGREEMENT.—The term 'existing host community agreement' means a host community agreement entered into before January 1, 1999.

''(5) FACILITY.—The term 'facility' means a landfill, incinerator, or other enterprise that received municipal solid waste before the date of enactment of this section.

''(6) GOVERNOR.—The term 'Governor', with respect to a facility, means the chief executive officer of the State in which a facility is located or proposed to be located or any other officer authorized under State law to exercise authority under this section.

''(7) HOST COMMUNITY AGREEMENT.—The term 'host community agreement' means a written, legally binding agreement, lawfully entered into between an owner or operator of a facility and an affected local government that contains an authorization to receive out-of-State municipal solid waste.

''(8) MUNICIPAL SOLID WASTE.—

''(A) IN GENERAL.—The term 'municipal solid waste' means—

''(i) material discarded for disposal by—

''(I) households (including single and multifamily residences); and

''(II) public lodgings such as hotels and motels; and

''(ii) material discarded for disposal that was generated by commercial, institutional, and industrial sources, to the extent that the material—

''(I) is essentially the same as material described in clause (i); or

''(II) is collected and disposed of with material described in clause (i) as part of a normal municipal solid waste collection service.

''(B) INCLUSIONS.—The term 'municipal solid waste' includes—

''(i) appliances;

''(ii) clothing;

''(iii) consumer product packaging;

''(iv) cosmetics;

''(v) disposable diapers;

''(vi) food containers made of glass or metal;

''(vii) food waste;

''(viii) household hazardous waste;

''(ix) office supplies;

''(x) paper; and

''(xi) yard waste.

''(C) EXCLUSIONS.—The term 'municipal solid waste' does not include—

''(i) solid waste identified or listed as a hazardous waste under section 3001, except for household hazardous waste;

''(ii) solid waste resulting from—

''(I) a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604, 9606);

''(II) a response action taken under a State law with authorities comparable to the authorities contained in either of those sections; or

''(III) a corrective action taken under this Act;

''(iii) recyclable material—

''(I) that has been separated, at the source of the material, from waste destined for disposal; or

''(II) that has been managed separately from waste destined for disposal, including scrap rubber to be used as a fuel source;

''(iv) a material or product returned from a dispenser or distributor to the manufacturer or an agent of the manufacturer for credit, evaluation, and possible potential reuse;

''(v) solid waste that is—

''(I) generated by an industrial facility; and

''(II) transported for the purpose of treatment, storage, or disposal to a facility (which facility is in compliance with applicable State and local land use and zoning laws and regulations) or facility unit—

''(aa) that is owned or operated by the generator of the waste;

''(bb) that is located on property owned by the generator of the waste or a company with which the generator is affiliated; or

''(cc) the capacity of which is contractually dedicated exclusively to a specific generator;

''(vi) medical waste that is segregated from or not mixed with solid waste;

''(vii) sewage sludge or residuals from a sewage treatment plant; or

''(viii) combustion ash generated by a resource recovery facility or municipal incinerator.

''(9) NEW HOST COMMUNITY AGREEMENT.—The term 'new host community agreement' means a host community agreement entered into on or after the date of enactment of this section.

''(10) OUT-OF-STATE MUNICIPAL SOLID WASTE.—

''(A) IN GENERAL.—The term 'out-of-State municipal solid waste', with respect to a State, means municipal solid waste generated outside the State.

''(B) INCLUSION.—The term 'out-of-State municipal solid waste' includes municipal solid waste generated outside the United States.

''(11) RECEIVE.—The term 'receive' means receive for disposal.

''(12) RECYCLABLE MATERIAL.—

''(A) IN GENERAL.—The term 'recyclable material' means a material that may feasibly be used as a raw material or feedstock in place of or in addition to, virgin material in the manufacture of a usable material or product.

''(B) VIRGIN MATERIAL.—In subparagraph (A), the term 'virgin material' includes petroleum.

''(b) PROHIBITION OF RECEIPT FOR DISPOSAL OF OUT-OF-STATE WASTE.—No facility may receive for disposal out-of-State municipal solid waste except as provided in subsections (c), (d), and (e).

''(c) EXISTING HOST COMMUNITY AGREEMENTS.—

''(1) IN GENERAL.—Subject to subsection (f), a facility operating under an existing host community agreement may receive for disposal out-of-State municipal solid waste if—

''(A) the owner or operator of the facility has complied with paragraph (2); and

''(B) the owner or operator of the facility is in compliance with all of the terms and conditions of the host community agreement.

''(2) PUBLIC INSPECTION OF AGREEMENT.—Not later than 90 days after the date of enactment of this section, the owner or operator of a facility described in paragraph (1) shall—

''(A) provide a copy of the existing host community agreement to the State and affected local government; and

''(B) make a copy of the existing host community agreement available for inspection by the public in the local community.

''(d) NEW HOST COMMUNITY AGREEMENTS.—

''(1) IN GENERAL.—Subject to subsection (f), a facility operating under a new host community agreement may receive for disposal out-of-State municipal solid waste if—

''(A) the agreement meets the requirements of paragraphs (2) through(5); and

''(B) the owner or operator of the facility is in compliance with all of the terms and conditions of the host community agreement.

''(2) REQUIREMENTS FOR AUTHORIZATION.—

''(A) IN GENERAL.—Authorization to receive out-of-State municipal solid waste under a new host community agreement shall—

''(i) be granted by formal action at a meeting;

''(ii) be recorded in writing in the official record of the meeting; and

''(iii) remain in effect according to the terms of the new host community agreement.

''(B) SPECIFICATIONS.—An authorization to receive out-of-State municipal solid waste shall specify terms and conditions, including—

''(i) the quantity of out-of-State municipal solid waste that the facility may receive; and

''(ii) the duration of the authorization.

''(3) INFORMATION.—Before seeking an authorization to receive out-of-State municipal solid waste under a new host community agreement, the owner or operator of the facility seeking the authorization shall provide (and make readily available to the State, each contiguous local government and Indian tribe, and any other interested person for inspection and copying) the following:

''(A) A brief description of the facility, including, with respect to the facility and any planned expansion of the facility, a description of—

''(i) the size of the facility;

''(ii) the ultimate municipal solid waste capacity of the facility; and

''(iii) the anticipated monthly and yearly volume of out-of-State municipal solid waste to be received at the facility.

''(B) A map of the facility site that indicates—

''(i) the location of the facility in relation to the local road system; and

''(ii) topographical and general hydrogeological features;

''(iii) any buffer zones to be acquired by the owner or operator; and

''(iv) all facility units.

''(C) A description of—

''(i) the environmental characteristics of the site, as of the date of application for authorization;

''(ii) ground water use in the area, including identification of private wells and public drinking water sources; and

''(iii) alterations that may be necessitated by, or occur as a result of, operation of the facility.

''(D) A description of—

''(i) environmental controls required to be used on the site (under permit requirements), including—

''(I) run-on and run off management;

''(II) air pollution control devices;

''(III) source separation procedures;

''(IV) methane monitoring and control;

''(V) landfill covers;

''(VI) landfill liners or leachate collection systems; and

''(VII) monitoring programs; and

''(ii) any waste residuals (including leachate and ash) that the facility will generate, and the planned management of the residuals.

''(E) A description of site access controls to be employed by the owner or operator and road improvements to be made by the owner or operator, including an estimate of the timing and extent of anticipated local truck traffic.

''(F) A list of all required Federal, State, and local permits.

''(G) Estimates of the personnel requirements of the facility, including—

''(i) information regarding the probable skill and education levels required for job positions at the facility; and

''(ii) to the extent practicable, a distinction between preoperational and postoperational employment statistics of the facility.

''(H) Any information that is required by State or Federal law to be provided with respect to—

''(i) any violation of environmental law (including regulations) by the owner or operator or any subsidiary of the owner or operator;

''(ii) the disposition of any enforcement proceeding taken with respect to the violation; and

''(iii) any corrective action and rehabilitation measures taken as a result of the proceeding.

''(I) Any information that is required by Federal or State law to be provided with respect to compliance by the owner or operator with the State solid waste management plan.

''(J) Any information that is required by Federal or State law to be provided with respect to gifts and contributions made by the owner or operator.

''(4) ADVANCE NOTIFICATION.—Before taking formal action to grant or deny authorization to receive out-of-State municipal solid waste under a new host community agreement, an affected local government shall—

''(A) notify the State, contiguous local governments, and any contiguous Indian tribes;

''(B) publish notice of the proposed action in a newspaper of general circulation at least 15 days before holding a hearing under subparagraph (C), except where State law provides for an alternate form of public notification; and

''(C) provide an opportunity for public comment in accordance with State law, including at least 1 public hearing.

''(5) SUBSEQUENT NOTIFICATION.—Not later than 90 days after an authorization to receive out-of-State municipal solid waste is granted under a new host community agreement, the affected local government shall give notice of the authorization to—

''(A) the Governor;

''(B) contiguous local governments; and

''(C) any contiguous Indian tribes.

''(e) RECEIPT FOR DISPOSAL OF OUT-OF-STATE MUNICIPAL SOLID WASTE BY FACILITIES NOT SUBJECT TO HOST COMMUNITY AGREEMENTS.—

''(1) PERMIT.—

''(A) IN GENERAL.—Subject to subsection (f), a facility for which, before the date of enactment of this section, the State issued a permit containing an authorization may receive out-of-State municipal solid waste if—

''(i) not later than 90 days after the date of enactment of this section, the owner or operator of the facility notifies the affected local government of the existence of the permit; and

''(ii) the owner or operator of the facility complies with all of the terms and conditions of the permit after the date of enactment of this section.

''(B) DENIED OR REVOKED PERMITS.—A facility may not receive out-of-State municipal solid waste under subparagraph (A) if the operating permit for the facility (or any renewal of the operating permit) was denied or revoked by the appropriate State agency before the date of enactment of this section unless the permit or renewal was granted, renewed, or reinstated before that date.

''(2) DOCUMENTED RECEIPT DURING 1993.—

''(A) IN GENERAL.—Subject to subsection (f), a facility that, during 1993, received out-of-State municipal solid waste may receive out-of-State municipal solid waste if the owner or operator of the facility submits to the State and to the affected local government documentation of the receipt of out-of-State municipal solid waste during 1993, including information about—

''(i) the date of receipt of the out-of-State municipal solid waste;

''(ii) the volume of out-of-State municipal solid waste received in 1993;

''(iii) the place of origin of the out-of-State municipal solid waste received; and

''(iv) the type of out-of-State municipal solid waste received.

''(B) FALSE OR MISLEADING INFORMATION.—Documentation submitted under subparagraph (A) shall be made under penalty of perjury under State law for the submission of false or misleading information.

''(C) AVAILABILITY OF DOCUMENTATION.—The owner or operator of a facility that receives out-of-State municipal solid waste under subparagraph (A)—

''(I) shall make available for inspection by the public in the local community a copy of the documentation submitted under subparagraph (A); but

''(II) may omit any proprietary information contained in the documentation.

''(3) BI-STATE METROPOLITAN STATISTICAL AREAS.—

''(A) IN GENERAL.—A facility in a State may receive out-of-State municipal solid waste if the out-of-State municipal solid waste is generated in, and the facility is located in, the same bi-State level A metropolitan statistical area (as defined and listed by the Director of the Office of Management and Budget as of the date of enactment of this section) that contains 2 contiguous major cities, each of which is in a different State.

''(B) GOVERNOR AGREEMENT.—A facility described in subparagraph (A) may receive out-of-State municipal solid waste only if the Governor of each State in the bi-State metropolitan statistical area agrees that the facility may receive out-of-State municipal solid waste.

''(f) REQUIRED COMPLIANCE.—A facility may not receive out-of-State municipal solid waste under subsection (c), (d), or (e) at any time at which the State has determined that—

''(1) the facility is not in compliance with applicable Federal and State laws (including regulations) relating to—

''(A) facility design and operation; and

''(B)(i) in the case of a landfill—

''(I) facility location standards;

''(II) leachate collection standards;

''(III) ground water monitoring standards; and

''(IV) standards for financial assurance and for closure, postclosure, and corrective action; and

''(ii) in the case of an incinerator, the applicable requirements of section 129 of the Clean Air Act (42 U.S.C. 7429); and

''(2) the noncompliance constitutes a threat to human health or the environment.

''(g) AUTHORITY TO LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE.—

''(1) LIMITS ON QUANTITY OF WASTE RECEIVED.—

''(A) LIMIT FOR ALL FACILITIES IN THE STATE.—

''(i) IN GENERAL.—A State may limit the quantity of out-of-State municipal solid waste received annually at each facility in the State to the quantity described in paragraph (2).

''(ii) NO CONFLICT.—

''(I) IN GENERAL.—A limit under clause (i) shall not conflict with—

''(aa) an authorization to receive out-of-State municipal solid waste contained in a permit; or

''(bb) a host community agreement entered into between the owner or operator of a facility and the affected local government.

''(II) CONFLICT.—A limit shall be treated as conflicting with a permit or host community agreement if the permit or host community agreement establishes a higher limit, or if the permit or host community agreement does not establish a limit, on the quantity of out-of-State municipal solid waste that may be received annually at the facility.

''(B) LIMIT FOR PARTICULAR FACILITIES.—

''(i) IN GENERAL.—An affected local government that has not executed a host community agreement with a particular facility may limit the quantity of out-of-State municipal solid waste received annually at the facility to the quantity specified in paragraph (2).

''(ii) NO CONFLICT.—A limit under clause (i) shall not conflict with an authorization to receive out-of-State municipal solid waste contained in a permit.

''(C) EFFECT ON OTHER LAWS.—Nothing in this subsection supersedes any State law relating to contracts.

''(2) LIMIT ON QUANTITY.—

''(A) IN GENERAL.—For any facility that commenced receiving documented out-of-State municipal solid waste before the date of enactment of this section, the quantity referred to in paragraph (1) for any year shall be equal to the quantity of out-of-State municipal solid waste received at the facility during calendar year 1993.

''(B) DOCUMENTATION.—

''(i) CONTENTS.—Documentation submitted under subparagraph (A) shall include information about—

''(I) the date of receipt of the out-of-State municipal solid waste;

''(II) the volume of out-of-State municipal solid waste received in 1993;

''(III) the place of origin of the out-of-State municipal solid waste received; and

''(IV) the type of out-of-State municipal solid waste received.

''(ii) FALSE OR MISLEADING INFORMATION.—Documentation submitted under subparagraph (A) shall be made under penalty of perjury under State law for the submission of false or misleading information.

''(3) NO DISCRIMINATION.—In establishing a limit under this subsection, a State shall act in a manner that does not discriminate against any shipment of out-of-State municipal solid waste on the basis of State of origin.

''(h) AUTHORITY TO LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE TO DECLINING PERCENTAGES OF QUANTITIES RECEIVED DURING 1993.—

''(1) IN GENERAL.—A State in which facilities received more than 650,000 tons of out-of-State municipal solid waste in calendar year 1993 may establish a limit on the quantity of out-of-State municipal solid waste that may be received at all facilities in the State described in subsection (e)(2) in the following quantities:

''(A) In calendar year 2000, 95 percent of the quantity received in calendar year 1993.

''(B) In each of calendar years 2001 through 2006, 95 percent of the quantity received in the previous year.

''(C) In each calendar year after calendar year 2006, 65 percent of the quantity received in calendar year 1993.

''(2) UNIFORM APPLICABILITY.—A limit under paragraph (1) shall apply uniformly—

''(A) to the quantity of out-of-State municipal solid waste that may be received at all facilities in the State that received out-of-State municipal solid waste in calendar year 1993; and

''(B) for each facility described in clause (i), to the quantity of out-of-State municipal solid waste that may be received from each State that generated out-of-State municipal solid waste received at the facility in calendar year 1993.

''(3) NOTICE.—Not later than 90 days before establishing a limit under paragraph (1), a State shall provide notice of the proposed limit to each State from which municipal solid waste was received in calendar year 1993.

''(4) ALTERNATIVE AUTHORITIES.—If a State exercises authority under this subsection, the State may not thereafter exercise authority under subsection (g).

''(i) COST RECOVERY SURCHARGE.—

''(1) DEFINITIONS.—In this subsection:

''(A) COST.—The term 'cost' means a cost incurred by the State for the implementation of State laws governing the processing, combustion, or disposal of municipal solid waste, limited to—

''(i) the issuance of new permits and renewal of or modification of permits;

''(ii) inspection and compliance monitoring;

''(iii) enforcement; and

''(iv) costs associated with technical assistance, data management, and collection of fees.

''(B) PROCESSING.—The term 'processing' means any activity to reduce the volume of municipal solid waste or alter the chemical, biological or physical state of municipal solid waste, through processes such as thermal treatment, bailing, composting, crushing, shredding, separation, or compaction.

''(2) AUTHORITY.—A State may authorize, impose, and collect a cost recovery charge on the processing or disposal of out-of-State municipal solid waste in the State in accordance with this subsection.

''(3) AMOUNT OF SURCHARGE.—The amount of a cost recovery surcharge—

''(A) may be no greater than the amount necessary to recover those costs determined in conformance with paragraph (5); and

''(B) in no event may exceed $3.00 per ton of waste.

''(4) USE OF SURCHARGE COLLECTED.—All cost recovery surcharges collected by a State under this subsection shall be used to fund solid waste management programs, administered by the State or a political subdivision of the State, that incur costs for which the surcharge is collected.

''(5) CONDITIONS.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a State may impose and collect a cost recovery surcharge on the processing or disposal within the State of out-of-State municipal solid waste if—

''(i) the State demonstrates a cost to the State arising from the processing or disposal within the State of a volume of municipal solid waste from a source outside the State;

''(ii) the surcharge is based on those costs to the State demonstrated under subparagraph (A) that, if not paid for through the surcharge, would otherwise have to be paid or subsidized by the State; and

''(iii) the surcharge is compensatory and is not discriminatory.

''(B) PROHIBITION OF SURCHARGE.—In no event shall a cost recovery surcharge be imposed by a State to the extent that—

''(i) the cost for which recovery is sought is otherwise paid, recovered, or offset by any other fee or tax paid to the State or a political subdivision of the State; or

''(ii) to the extent that the amount of the surcharge is offset by voluntary payments to a State or a political subdivision of the State, in connection with the generation, transportation, treatment, processing, or disposal of solid waste.

''(C) SUBSIDY; NON-DISCRIMINATION.—The grant of a subsidy by a State with respect to entities disposing of waste generated within the State does not constitute discrimination for purposes of subparagraph (A).

''(j) IMPLEMENTATION AND ENFORCEMENT.—A State may adopt such laws (including regulations), not inconsistent with this section, as are appropriate to implement and enforce this section, including provisions for penalties.

''(k) ANNUAL STATE REPORT.—

''(1) FACILITIES.—On February 1, 2000, and on February 1 of each subsequent year, the owner or operator of each facility that receives out-of-State municipal solid waste shall submit to the State information specifying—

''(A) the quantity of out-of-State municipal solid waste received during the preceding calendar year; and

''(B) the State of origin of the out-of-State municipal solid waste received during the preceding calendar year.

''(2) TRANSFER STATIONS.—

''(A) DEFINITION OF RECEIVE FOR TRANSFER.—In this paragraph, the term 'receive for transfer' means receive for temporary storage pending transfer to another State or facility.

''(B) REPORT.—On February 1, 2000, and on February 1 of each subsequent year, the owner or operator of each transfer station that receives for transfer out-of-State municipal solid waste shall submit to the State a report describing—

''(A) the quantity of out-of-State municipal solid waste received for transfer during the preceding calendar year;

''(B) each State of origin of the out-of-State municipal solid waste received for transfer during the preceding calendar year; and

''(C) each State of destination of the out-of-State municipal solid waste transferred from the transfer station during the preceding calendar year.

''(3) NO PRECLUSION OF STATE REQUIREMENTS.—The requirements of paragraphs (1) and (2) do not preclude any State requirement for more frequent reporting.

''(4) FALSE OR MISLEADING INFORMATION.—Documentation submitted under paragraphs (1) and (2) shall be made under penalty of perjury under State law for the submission of false or misleading information.

''(5) REPORT.—On March 1, 2000, and on March 1 of each year thereafter, each State to which information is submitted under paragraphs (1) and (2) shall publish and make available to the public a report containing information on the quantity of out-of-State municipal solid waste received for disposal and received for transfer in the State during the preceding calendar year.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4010 the following:

''Sec. 4011. Authority to prohibit or limit receipt of out-of-State municipal solid waste at existing facilities.''.

SEC. 3. AUTHORITY TO DENY PERMITS FOR OR IMPOSE PERCENTAGE LIMITS ON RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT NEW FACILITIES.

(a) AMENDMENT.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 2(a)), is amended by adding after section 4011 the following:

''SEC. 4012. AUTHORITY TO DENY PERMITS FOR OR IMPOSE PERCENTAGE LIMITS ON RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT NEW FACILITIES.

''(a) DEFINITIONS.—In this section:

''(1) TERMS DEFINED IN SECTION 4011.—The terms 'authorization to receive out-of-State municipal solid waste', 'disposal', 'existing host community agreement', 'host community agreement', 'municipal solid waste', 'out-of-State municipal solid waste', and 'receive' have the meaning given those terms, respectively, in section 4011.

''(2) OTHER TERMS.—The term 'facility' means a landfill, incinerator, or other enterprise that receives out-of-State municipal solid waste on or after the date of enactment of this section.

''(b) AUTHORITY TO DENY PERMITS OR IMPOSE PERCENTAGE LIMITS.—

''(1) ALTERNATIVE AUTHORITIES.—In any calendar year, a State may exercise the authority under either paragraph (2) or paragraph (3), but may not exercise the authority under both paragraphs (2) and (3).

''(2) AUTHORITY TO DENY PERMITS.—A State may deny a permit for the construction or operation of or a major modification to a facility if—

''(A) the State has approved a State or local comprehensive municipal solid waste management plan developed under Federal or State law; and

''(B) the denial is based on a determination, under a State law authorizing the denial, that there is not a local or regional need for the facility in the State.

''(3) AUTHORITY TO IMPOSE PERCENTAGE LIMIT.—A State may provide by law that a State permit for the construction, operation, or expansion of a facility shall include the requirement that not more than a specified percentage (which shall be not less than 20 percent) of the total quantity of municipal solid waste received annually at the facility shall be out-of-State municipal solid waste.

''(c) NEW HOST COMMUNITY AGREEMENTS.—

''(1) IN GENERAL.—Notwithstanding subsection (b)(3), a facility operating under an existing host community agreement that contains an authorization to receive out-of-State municipal solid waste in a specific quantity annually may receive that quantity.

''(2) NO EFFECT ON STATE PERMIT DENIAL.—Nothing in paragraph (1) authorizes a facility described in that paragraph to receive out-of-State municipal solid waste if the State has denied a permit to the facility under subsection (b)(2).

''(d) UNIFORM AND NONDISCRIMINATORY APPLICATION.—A law under subsection (b) or (c)—

''(1) shall be applicable throughout the State;

''(2) shall not directly or indirectly discriminate against any particular facility; and

''(3) shall not directly or indirectly discriminate against any shipment of out-of-

State municipal solid waste on the basis of place of origin.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 1(b)) is amended by adding at the end of the items relating to subtitle D the following:

''Sec. 4012. Authority to deny permits for or impose percentage limits on new facilities.''.

SEC. 4. CONSTRUCTION AND DEMOLITION WASTE.

(a) AMENDMENT.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 3(a)), is amended by adding after section 4012 the following:

''SEC. 4013. CONSTRUCTION AND DEMOLITION WASTE.

''(a) DEFINITIONS.—In this section:

''(1) TERMS DEFINED IN SECTION 4011.—The terms 'affected local government', 'Governor', and 'receive' have the meanings given those terms, respectively, in section 4011.

''(2) OTHER TERMS.—

''(A) BASE YEAR QUANTITY.—The term 'base year quantity' means—

''(i) the annual quantity of out-of-State construction and demolition debris received at a State in calendar year 2000, as determined under subsection (c)(2)(B)(i); or

''(ii) in the case of an expedited implementation under subsection (c)(5), the annual quantity of out-of-State construction and demolition debris received in a State in calendar year 1999.

''(B) CONSTRUCTION AND DEMOLITION WASTE.—

''(i) IN GENERAL.—The term 'construction and demolition waste' means debris resulting from the construction, renovation, repair, or demolition of or similar work on a structure.

''(ii) EXCLUSIONS.—The term 'construction and demolition waste' does not include debris that—

''(I) is commingled with municipal solid waste; or

''(II) is contaminated, as determined under subsection (b).

''(C) FACILITY.—The term 'facility' means any enterprise that receives construction and demolition waste on or after the date of enactment of this section, including landfills.

''(D) OUT-OF-STATE CONSTRUCTION AND DEMOLITION WASTE.—The term 'out-of-State construction and demolition waste' means—

''(i) with respect to any State, construction and demolition debris generated outside the State; and

''(ii) construction and demolition debris generated outside the United States, unless the President determines that treatment of the construction and demolition debris as out-of-State construction and demolition waste under this section would be inconsistent with the North American Free Trade Agreement or the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)).

''(b) CONTAMINATED CONSTRUCTION AND DEMOLITION DEBRIS.—

''(1) IN GENERAL.—For the purpose of determining whether debris is contaminated, the generator of the debris shall conduct representative sampling and analysis of the debris.

''(2) SUBMISSION OF RESULTS.—Unless not required by the affected local government, the results of the sampling and analysis under paragraph (1) shall be submitted to the affected local government for recordkeeping purposes only.

''(3) DISPOSAL OF CONTAMINATED DEBRIS.—Any debris described in subsection (a)(2)(B)(i) that is determined to be contaminated shall be disposed of in a landfill that meets the requirements of this Act.

''(c) LIMIT ON CONSTRUCTION AND DEMOLITION WASTE.—

''(1) IN GENERAL.—A State may establish a limit on the annual amount of out-of-State construction and demolition waste that may be received at landfills in the State.

''(2) REQUIRED ACTION BY THE STATE.—A State that seeks to limit the receipt of out-of-State construction and demolition waste received under this section shall—

''(i) not later than January 1, 2000, establish and implement reporting requirements to determine the quantity of construction and demolition waste that is—

''(I) disposed of in the State; and

''(II) imported into the State; and

''(ii) not later than March 1, 2001—

''(I) establish the annual quantity of out-of-State construction and demolition waste received during calendar year 2000; and

''(II) report the tonnage received during calendar year 2000 to the Governor of each exporting State.

''(3) REPORTING BY FACILITIES.—

''(A) IN GENERAL.—Each facility that receives out-of-State construction and demolition debris shall report to the State in which the facility is located the quantity and State of origin of out-of-State construction and demolition debris received—

''(i) in calendar year 1999, not later than February 1, 2000; and

''(ii) in each subsequent calendar year, not later than February 1 of the calendar year following that year.

''(B) NO PRECLUSION OF STATE REQUIREMENTS.—The requirement of subparagraph (A) does not preclude any State requirement for more frequent reporting.

''(C) PENALTY.—Each submission under this paragraph shall be made under penalty of perjury under State law.

''(4) LIMIT ON DEBRIS RECEIVED.—

''(A) RATCHET.—A State in which facilities receive out-of-State construction and demolition debris may decrease the quantity of construction and demolition debris that may be received at each facility to an annual percentage of the base year quantity specified in subparagraph (B).

''(B) REDUCED ANNUAL PERCENTAGES.—A limit on out-of-State construction and demolition debris imposed by a State under subparagraph (A) shall be equal to—

''(i) in calendar year 2001, 95 percent of the base year quantity;

''(ii) in calendar year 2002, 90 percent of the base year quantity;

''(iii) in calendar year 2003, 85 percent of the base year quantity;

''(iv) in calendar year 2004, 80 percent of the base year quantity;

''(v) in calendar year 2005, 75 percent of the base year quantity;

''(vi) in calendar year 2006, 70 percent of the base year quantity;

''(vii) in calendar year 2007, 65 percent of the base year quantity;

''(viii) in calendar year 2008, 60 percent of the base year quantity;

''(ix) in calendar year 2009, 55 percent of the base year quantity; and

''(x) in calendar year 2010 and in each subsequent year, 50 percent of the base year quantity.

''(5) EXPEDITED IMPLEMENTATION.—

''(A) RATCHET.—A State in which facilities receive out-of-State construction and demolition debris may decrease the quantity of construction and demolition debris that may be received at each facility to an annual percentage of the base year quantity specified in subparagraph (B) if—

''(i) on the date of enactment of this section, the State has determined the quantity of construction and demolition waste received in the State in calendar year 1999; and

''(ii) the State complies with paragraphs (2) and (3).

''(B) EXPEDITED REDUCED ANNUAL PERCENTAGES.—An expedited implementation of a limit on the receipt of out-of-State construction and demolition debris imposed by a State under subparagraph (A) shall be equal to—

''(i) in calendar year 2000, 95 percent of the base year quantity;

''(ii) in calendar year 2001, 90 percent of the base year quantity;

''(iii) in calendar year 2002, 85 percent of the base year quantity;

''(iv) in calendar year 2003, 80 percent of the base year quantity;

''(v) in calendar year 2004, 75 percent of the base year quantity;

''(vi) in calendar year 2005, 70 percent of the base year quantity;

''(vii) in calendar year 2006, 65 percent of the base year quantity;

''(viii) in calendar year 2007, 60 percent of the base year quantity;

''(ix) in calendar year 2008, 55 percent of the base year quantity; and

''(x) in calendar year 2009 and in each subsequent year, 50 percent of the base year quantity.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 3(b)), is amended by adding at the end of the items relating to subtitle D the following:

''Sec. 4013. Construction and demolition debris.''.

SEC. 5. CONGRESSIONAL AUTHORIZATION OF STATE AND LOCAL MUNICIPAL SOLID WASTE FLOW CONTROL.

(a) AMENDMENT OF SUBTITLE D.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 4(a)) is amended by adding after section 4013 the following:

''SEC. 4014. CONGRESSIONAL AUTHORIZATION OF STATE AND LOCAL GOVERNMENT CONTROL OVER MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS.

''(a) FLOW CONTROL AUTHORITY FOR FACILITIES PREVIOUSLY DESIGNATED.—Any State or political subdivision thereof is authorized to exercise flow control authority to direct the movement of municipal solid waste and recyclable materials voluntarily relinquished by the owner or generator thereof to particular waste management facilities, or facilities for recyclable materials, designated as of the suspension date, if each of the following conditions are met:

''(1) The waste and recyclable materials are generated within the jurisdictional boundaries of such State or political subdivision, as such jurisdiction was in effect on the suspension date.

''(2) Such flow control authority is imposed through the adoption or execution of a law, ordinance, regulation, resolution, or other legally binding provision or official act of the State or political subdivision that—

''(A) was in effect on the suspension date;

''(B) was in effect prior to the issuance of an injunction or other order by a court based on a ruling that such law, ordinance, regulation, resolution, or other legally binding provision or official act violated the Commerce Clause of the United States Constitution; or

''(C) was in effect immediately prior to suspension or partial suspension thereof by legislative or official administrative action of the State or political subdivision expressly because of the existence of an injunction or other court order of the type described in subparagraph (B) issued by a court of competent jurisdiction.

''(3) The State or a political subdivision thereof has, for one or more of such designated facilities—

''(A) on or before the suspension date, presented eligible bonds for sale;

''(B) on or before the suspension date, issued a written public declaration or regulation stating that bonds would be issued and held hearings regarding such issuance, and subsequently presented eligible bonds for sale within 180 days of the declaration or regulation; or

''(C) on or before the suspension date, executed a legally binding contract or agreement that—

''(i) was in effect as of the suspension date;

''(ii) obligates the delivery of a minimum quantity of municipal solid waste or recyclable materials to one or more such designated waste management facilities or facilities for recyclable materials; and

''(iii) either—

''(I) obligates the State or political subdivision to pay for that minimum quantity of waste or recyclable materials even if the stated minimum quantity of such waste or recyclable materials is not delivered within a required timeframe; or

''(II) otherwise imposes liability for damages resulting from such failure.

''(b) WASTE STREAM SUBJECT TO FLOW CONTROL.—Subsection (a) authorizes only the exercise of flow control authority with respect to the flow to any designated facility of the specific classes or categories of municipal solid waste and voluntarily relinquished recyclable materials to which such flow control authority was applicable on the suspension date and—

''(1) in the case of any designated waste management facility or facility for recyclable materials that was in operation as of the suspension date, only if the facility concerned received municipal solid waste or recyclable materials in those classes or categories on or before the suspension date; and

''(2) in the case of any designated waste management facility or facility for recyclable materials that was not yet in operation as of the suspension date, only of the classes or categories that were clearly identified by the State or political subdivision as of the suspension date to be flow controlled to such facility.

''(c) DURATION OF FLOW CONTROL AUTHORITY.—Flow control authority may be exercised pursuant to this section with respect to any facility or facilities only until the later of the following:

''(1) The final maturity date of the bond referred to in subsection (a)(3)(A) or (B).

''(2) The expiration date of the contract or agreement referred to in subsection (a)(3)(C).

''(3) The adjusted expiration date of a bond issued for a qualified environmental retrofit.

The dates referred to in paragraphs (1) and (2) shall be determined based upon the terms and provisions of the bond or contract or agreement. In the case of a contract or agreement described in subsection (a)(3)(C) that has no specified expiration date, for purposes of paragraph (2) of this subsection the expiration date shall be the first date that the State or political subdivision that is a party to the contract or agreement can withdraw from its responsibilities under the contract or agreement without being in default thereunder and without substantial penalty or other substantial legal sanction. The expiration date of a contract or agreement referred to in subsection (a)(3)(C) shall be deemed to occur at the end of the period of an extension exercised during the term of the original contract or agreement, if the duration of that extension was specified by such contract or agreement as in effect on the suspension date.

''(d) INDEMNIFICATION FOR CERTAIN TRANSPORTATION.—Notwithstanding any other provision of this section, no State or political subdivision may require any person to transport municipal solid waste or recyclable materials, or to deliver such waste or materials for transportation, to any active portion of a municipal solid waste landfill unit if contamination of such active portion is a basis for listing of the municipal solid waste landfill unit on the National Priorities List established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 unless such State or political subdivision or the owner or operator of such landfill unit has indemnified that person against all liability under that Act with respect to such waste or materials.

''(e) OWNERSHIP OF RECYCLABLE MATERIALS.—Nothing in this section shall authorize any State or political subdivision to require any person to sell or transfer any recyclable materials to such State or political subdivision.

''(f) LIMITATION ON REVENUE.—A State or political subdivision may exercise the flow control authority granted in this section only if the State or political subdivision limits the use of any of the revenues it derives from the exercise of such authority to the payment of one or more of the following:

''(1) Principal and interest on any eligible bond.

''(2) Principal and interest on a bond issued for a qualified environmental retrofit.

''(3) Payments required by the terms of a contract referred to in subsection (a)(3)(C).

''(4) Other expenses necessary for the operation and maintenance and closure of designated facilities and other integral facilities identified by the bond necessary for the operation and maintenance of such designated facilities.

''(5) To the extent not covered by paragraphs (1) through (4), expenses for recycling, composting, and household hazardous waste activities in which the State or political subdivision was engaged before the suspension date. The amount and nature of payments described in this paragraph shall be fully disclosed to the public annually.

''(g) INTERIM CONTRACTS.—A contract of the type referred to in subsection (a)(3)(C) that was entered into during the period—

''(1) before November 10, 1995, and after the effective date of any applicable final court order no longer subject to judicial review specifically invalidating the flow control authority of the applicable State or political subdivision; or

''(2) after the applicable State or political subdivision refrained pursuant to legislative or official administrative action from enforcing flow control authority expressly because of the existence of a court order of the type described in subsection (a)(2)(B) issued by a court of the same State or the Federal judicial circuit within which such State is located and before the effective date on which it resumes enforcement of flow control authority after enactment of this section,

shall be fully enforceable in accordance with State law.

''(h) AREAS WITH PRE-1984 FLOW CONTROL.—

''(1) GENERAL AUTHORITY.—A State that on or before January 1, 1984—

''(A) adopted regulations under a State law that required or directed transportation, management, or disposal of municipal solid waste from residential, commercial, institutional, or industrial sources (as defined under State law) to specifically identified waste management facilities, and applied those regulations to every political subdivision of the State; and

''(B) subjected such waste management facilities to the jurisdiction of a State public utilities commission,

may exercise flow control authority over municipal solid waste in accordance with the other provisions of this section.

''(2) ADDITIONAL FLOW CONTROL AUTHORITY.—A State or any political subdivision of a State that meets the requirements of paragraph (1) may exercise flow control authority over all classes and categories of municipal solid waste that were subject to flow control by that State or political subdivision on May 16, 1994, by directing municipal solid waste from any waste management facility that was designated as of May 16, 1994 to any other waste management facility in the State without regard to whether the political subdivision in which the municipal solid waste is generated had designated the particular waste management facility or had issued a bond or entered into a contact referred to in subparagraph (A) or (B) of subsection (a)(3), respectively.

''(3) DURATION OF AUTHORITY.—The authority to direct municipal solid waste to any facility pursuant to this subsection shall terminate with regard to such facility in accordance with subsection (c).

''(i) EFFECT ON AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS.—Nothing in this section shall be interpreted—

''(1) to authorize a political subdivision to exercise the flow control authority granted by this section in a manner inconsistent with State law;

''(2) to permit the exercise of flow control authority over municipal solid waste and recyclable materials to an extent greater than the maximum volume authorized by State permit to be disposed at the waste management facility or processed at the facility for recyclable materials;

''(3) to limit the authority of any State or political subdivision to place a condition on a franchise, license, or contract for municipal solid waste or recyclable materials collection, processing, or disposal; or

''(4) to impair in any manner the authority of any State or political subdivision to adopt or enforce any law, ordinance, regulation, or other legally binding provision or official act relating to the movement or processing of municipal solid waste or recyclable materials which does not constitute discrimination against or an undue burden upon interstate commerce.

''(j) EFFECTIVE DATE.—The provisions of this section shall take effect with respect to the exercise by any State or political subdivision of flow control authority on or after the date of enactment of this section. Such provisions, other than subsection (d), shall also apply to the exercise by any State or political subdivision of flow control authority before such date of enactment, except that nothing in this section shall affect any final judgment that is no longer subject to judicial review as of the date of enactment of this section insofar as such judgment awarded damages based on a finding that the exercise of flow control authority was unconstitutional.

''(k) STATE SOLID WASTE DISTRICT AUTHORITY.—In addition to any other flow control authority authorized under this section a solid waste district or a political subdivision of a State may exercise flow control authority for a period of 20 years after the enactment of this section, for municipal solid waste and for recyclable materials that is generated within its jurisdiction if—

''(1) the solid waste district, or a political subdivision within such district, is required through a recyclable materials recycling program to meet a municipal solid waste reduction goal of at least 30 percent by the year 2005, and uses revenues generated by the exercise of flow control authority strictly to implement programs to manage municipal solid waste and recyclable materials, other than incineration programs; and

''(2) prior to the suspension date, the solid waste district, or a political subdivision within such district—

''(A) was responsible under State law for the management and regulation of the storage, collection, processing, and disposal of solid wastes within its jurisdiction;

''(B) was authorized by State statute (enacted prior to January 1, 1992) to exercise flow control authority, and subsequently adopted or sought to exercise the authority through a law, ordinance, regulation, regulatory proceeding, contract, franchise, or other legally binding provision; and

''(C) was required by State statute (enacted prior to January 1, 1992) to develop and implement a solid waste management plan consistent with the State solid waste management plan, and the district solid waste management plan was approved by the appropriate State agency prior to September 15, 1994.

''(l) SPECIAL RULE FOR CERTAIN CONSORTIA.—For purposes of this section, if—

''(1) two or more political subdivisions are members of a consortium of political subdivisions established to exercise flow control authority with respect to any waste management facility or facility for recyclable materials;

''(2) all of such members have either presented eligible bonds for sale or executed contracts with the owner or operator of the facility requiring use of such facility;

''(3) the facility was designated as of the suspension date by at least one of such members;

''(4) at least one of such members has met the requirements of subsection (a)(2) with respect to such facility; and

''(5) at least one of such members has presented eligible bonds for sale, or entered into a contract or agreement referred to in subsection (a)(3)(C), on or before the suspension date, for such facility,

the facility shall be treated as having been designated, as of May 16, 1994, by all members of such consortium, and all such members shall be treated as meeting the requirements of subsection (a)(2) and (3) with respect to such facility.

''(m) RECOVERY OF DAMAGES.—

''(1) PROHIBITION.—No damages, interest on damages, costs, or attorneys' fees may be recovered in any claim against any State or local government, or official or employee thereof, based on the exercise of flow control authority on or before May 16, 1994.

''(2) APPLICABILITY.—Paragraph (1) shall apply to cases commenced on or after the date of enactment of the Solid Waste Interstate Transportation and Local Authority Act of 1999, and shall apply to cases commenced before such date except cases in which a final judgment no longer subject to judicial review has been rendered.

''(n) DEFINITIONS.—For the purposes of this section—

''(1) ADJUSTED EXPIRATION DATE.—The term 'adjusted expiration date' means, with respect to a bond issued for a qualified environmental retrofit, the earlier of the final maturity date of such bond or 15 years after the date of issuance of such bond.

''(2) BOND ISSUED FOR A QUALIFIED ENVIRONMENTAL RETROFIT.—The term 'bond issued for a qualified environmental retrofit' means a bond described in paragraph (4)(A) or (B), the proceeds of which are dedicated to financing the retrofitting of a resource recovery facility or a municipal solid waste incinerator necessary to comply with section 129 of the Clean Air Act, provided that such bond is presented for sale before the expiration date of the bond or contract referred to in subsection (a)(3)(A), (B), or (C) that is applicable to such facility and no later than December 31, 1999.

''(3) DESIGNATED.—The term 'designated' means identified by a State or political subdivision for receipt of all or any portion of the municipal solid waste or recyclable materials that is generated within the boundaries of the State or political subdivision. Such designation includes designation through—

''(A) bond covenants, official statements, or other official financing documents issued by a State or political subdivision issuing an eligible bond; and

''(B) the execution of a contract of the type described in subsection (a)(3)(C),

in which one or more specific waste management facilities are identified as the requisite facility or facilities for receipt of municipal solid waste or recyclable materials generated within the jurisdictional boundaries of that State or political subdivision.

''(4) ELIGIBLE BOND.—The term 'eligible bond' means—

''(A) a revenue bond or similar instrument of indebtedness pledging payment to the bondholder or holder of the debt of identified revenues; or

''(B) a general obligation bond,

the proceeds of which are used to finance one or more designated waste management facilities, facilities for recyclable materials, or specifically and directly related assets, development costs, or finance costs, as evidenced by the bond documents.

''(5) FLOW CONTROL AUTHORITY.—The term 'flow control authority' means the regulatory authority to control the movement of municipal solid waste or voluntarily relinquished recyclable materials and direct such solid waste or recyclable materials to one or more designated waste management facilities or facilities for recyclable materials within the boundaries of a State or political subdivision.

''(6) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' has the meaning given that term in section 4011, except that such term—

''(A) includes waste material removed from a septic tank, septage pit, or cesspool (other than from portable toilets); and

''(B) does not include—

''(i) any substance the treatment and disposal of which is regulated under the Toxic Substances Control Act;

''(ii) waste generated during scrap processing and scrap recycling; or

''(iii) construction and demolition debris, except where the State or political subdivision had on or before January 1, 1989, issued eligible bonds secured pursuant to State or local law requiring the delivery of construction and demolition debris to a waste management facility designated by such State or political subdivision.

''(7) POLITICAL SUBDIVISION.—The term 'political subdivision' means a city, town, borough, county, parish, district, or public service authority or other public body created by or pursuant to State law with authority to present for sale an eligible bond or to exercise flow control authority.

''(8) RECYCLABLE MATERIALS.—The term 'recyclable materials' means any materials that have been separated from waste otherwise destined for disposal (either at the source of the waste or at processing facilities) or that have been managed separately from waste destined for disposal, for the purpose of recycling, reclamation, composting of organic materials such as food and yard waste, or reuse (other than for the purpose of incineration). Such term includes scrap tires to be used in resource recovery.

''(9) SUSPENSION DATE.—The term 'suspension date' means, with respect to a State or political subdivision—

''(A) May 16, 1994;

''(B) the date of an injunction or other court order described in subsection (a)(2)(B) that was issued with respect to that State or political subdivision; or

''(C) the date of a suspension or partial suspension described in subsection (a)(2)(C) with respect to that State or political subdivision.

''(10) WASTE MANAGEMENT FACILITY.—The term 'waste management facility' means any facility for separating, storing, transferring, treating, processing, combusting, or disposing of municipal solid waste.''.

(b) TABLE OF CONTENTS.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 4(b)), is amended by adding at the end of the items relating to subtitle D the following:

''Sec. 4014. Congressional authorization of State and local government control over movement of municipal solid waste and recyclable materials.''.

SEC. 6. EFFECT ON INTERSTATE COMMERCE.

No action by a State or affected local government under an amendment made by this Act shall be considered to impose an undue burden on interstate commerce or to otherwise impair, restrain, or discriminate against interstate commerce.

STATE OF INDIANA, STATE OF OHIO, STATE OF MICHIGAN, AND STATE OF NEW JERSEY

April 22, 1999.

Hon. GEORGE V. VOINOVICH.
U.S. Senate, Washington, DC.
Hon. EVAN BAYH,
U.S. Senate, Washington, DC.

DEAR SENATOR VOINOVICH AND SENATOR BAYH: We are writing to express our strong support for the Municipal Solid Waste Interstate Transportation and Local Authority Act of 1999, which you plan to introduce this week. This legislation would at long last give state and local governments federal authority to establish reasonable limitations on the flow of interstate waste and protect public investments in waste disposal facilities needed to address in-state disposal needs.

Both of you know firsthand the problems states face in managing solid waste, as required by federal law. During your terms of office as Governors, you worked to support the passage of effective federal legislation that would vest states with sufficient authority to plan for and control the disposal of municipal solid waste, including noncontaminated construction and demolition debris. The need for such legislation arose from various U.S. Supreme Court rulings applying the commerce clause of the U.S. Constitution to state laws restricting out-of-state waste and directing the flow of solid waste shipments.

We are committed to working with all states and building upon the broad state support which exists to pass legislation in the 106th Congress that will provide a balanced set of controls for state and local governments to use in limiting out-of-state waste shipments and directing intrastate shipments. The need for congressional action on interstate waste/flow control legislation is becoming more urgent. Last year, the Congressional Research Service reported that its most recent data showed interstate waste shipments increasing to a total of over 25 million tons. The closing of the Fresh Kills landfill in New York City is likely to dramatically increase that figure.

Your bill includes provisions which we believe are important for state and local governments such as the general requirement that local officials formally approve the receipt of out-of-state municipal solid waste

prior to disposal in landfills and incinerators. The legislation does include a number of important exemptions for current flows of waste. It also provides authority for states to establish a statewide freeze of waste shipments or, in some cases, implement reductions. In addition, the legislation explicitly authorizes states to implement laws requiring an assessment of regional and local needs before issuing facility permits or establishing statewide out-of-state percentage limitations for new or expanded facilities.

The legislation would also allow states to impose a $3-per-ton cost recovery surcharge on out-of-state waste and would provide additional authority for states to reduce the flow of noncontaminated construction and demolition debris. Under a separate set of provisions, states would also be authorized to exercise limited flow control authority necessary to protect public investments.

We recognize that the Municipal Solid Waste Interstate Transportation and Local Authority Act of 1999 would not establish an outright ban on out-of-state waste shipments; instead, it would gives states and localities the tools they need to better manage their in-state waste disposal needs and protect important natural resources. We pledge our support for your efforts to ensure that no state is forced to become a dumping ground for solid waste. We believe your bill will enjoy wide support and look forward to working with you to secure its passage.

Sincerely,

FRANK O'BANNON,
Governor, State of Indiana.
JOHN ENGLER,
Governor, State of Michigan.
BOB TAFT,
Governor, State of Ohio.
CHRISTINE T. WHITMAN,
Governor, State of New Jersey.

COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
Harrisburg, PA, April 22, 1999.

Hon. GEORGE V. VOINOVICH,
U.S. Senate,
Washington, DC.
Hon. EVAN BAYH,
U.S. Senate,
Washington, DC.

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Sincerely,

TOM RIDGE,
Governor.

Mr. BAYH. Mr. President, states have been struggling for years to ensure safe, responsible management of out-of-state municipal solid waste. As Governor of Indiana, I tried to ensure that Indiana's disposal capacity would meet Indiana's municipal solid waste needs. Efforts to institute effective waste management policies were—and continue to be—thwarted by two obstacles. The first is the massive and unpredictable amounts of out-of-state waste flowing into state disposal facilities. States' attempts to address that problem run into the second obstacle. The Supreme Court has established, in a series of opinions, that Congress must first provide the states the authority to regulate interstate waste.

I rise with my colleague today to introduce legislation to do just that.

Senator VOINOVICH and I, as Governors, participated in a cooperative effort to develop a set of principles for federal action on interstate waste. The Voinovich/Bayh interstate waste control bill is based on those principles. Mr. President, the need for controls in interstate waste is even more acute today than when I was a Governor. Current governors supporting our bill know this better than anyone.

In Indiana, waste imports are again on the rise. After decreasing from 1992 to 1994, waste imports increased significantly in 1995 and doubled in 1996. Between 1996 and 1998, out-of state waste received by Indiana facilities increased by 32 percent to their highest level in the last seven years. In fact, in 1998, 2.8 million tons of out-of-state waste were disposed of in Indiana—that's 19 percent of all the waste disposed of in Indiana's landfills. Our Department of Environmental Management has predicted that the state will run out of landfill space in 2011—or earlier, so the time for action is now.

Senator VOINOVICH and I believe we have crafted a comprehensive, equitable approach to interstate waste management. Our bill will give states the power to ensure manageable and predictable waste flows by freezing waste imports at 1993 levels. States bearing the greatest burden of interstate waste—those that disposed of more than 650,000 tons in 1993—could reduce imported waste to 65 percent of the 1993 level by 2006. Our bill will give states the power to set a percentage limitation on the amount of out-of-state waste that new or expanding facilities could receive and give states the option to deny a permit to a new or expanding facility if there is no regional or in-state need for the facility. Local governments would have more power to determine whether they want to accept out-of-state waste. They would be able to prohibit local disposal facilities that didn't receive out-of-state waste in 1993 from starting to take it until the local government approved. This presumptive ban on interstate waste would not interfere with facilities operating under existing host community agreements or permits.

This bill is the culmination of the work we did as Governors and the coalition we are building as Senators. It attempts to forge a new and workable compromise between the needs and rights of importing and exporting states and gives the people who must live with waste planning decisions the power to make them. I look forward to working with my colleagues to move this important legislation forward.

By Mr. DURBIN (for himself, Mr. SCHUMER, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. HARKIN, Mr. KERRY, Ms. LANDRIEU, Mr. FEINGOLD, and Mr. WELLSTONE):

S. 873. A bill to close the United States Army School of the Americas; to the Committee on Armed Services.

LEGISLATION TO CLOSE THE U.S. ARMY SCHOOL OF THE AMERICAS

Mr. DURBIN. Mr. President, today I am introducing legislation to close the U.S. Army School of the Americas. The school is the Army's Spanish language training facility for Latin American personnel. It is located in Fort Benning, GA. The school is a relic of the cold war with a terrible legacy of teaching torture and assassination. It deserves to be closed for what it has taught in the past, what it stands for in Latin American democracies today, and what its counterinsurgency training at such a tainted institution may create in the future.

This school was formed after World War II. Its mission, starting in the 1960s, was to fight Communist insurgencies in Latin America. To do this, instruction manuals used at the school from 1982 to 1991 recommended execution, torture, and blackmail of insurgents. These manuals at the U.S. Army School of the Americas advocated that Latin American militaries spy on and infiltrate civic organizations such as opposition political parties, community organizations, and unions. They fundamentally confused what constitutes armed insurgency with genuine civic opposition. To the Latin American dictators of the time, insurgents were anybody who did not agree with them, leading to a virtual war against civilians, religious leaders, and Native Americans.

The Chicago Tribune recently wrote an editorial noting the fact that there would likely be very few reunions of the graduates of the Army School of the Americas. It is not surprising when you take a look at the list of the graduates of this U.S. Army School of the Americas and consider that it contains a list of some of the worst human rights abusers in recent Latin American history.

Let me be specific: 19 Salvadoran soldiers linked to the murder of 6 Jesuit priests, their housekeeper, and her daughter in El Salvador in 1989. Among the other graduates of the School of the Americas: 48 of 69 Salvadoran military members cited at the United Nations Truth Commission report on El Salvador for involvement in human rights violations. The list goes on: Former Panamanian dictator and convicted drug dealer Manuel Noriega and nine other Latin American military dictators; El Salvador death squad leader Roberto D'Aubuisson; two of the three killers of Catholic Archbishop Oscar Romero of El Salvador.

I continue reading the list of graduates from the U.S. Army School of the Americas at Fort Benning, GA: Mexican General Juan Lopez Ortiz, whose troops committed the Ocosingo massacre in Chiapas in 1994; Guatamalan Colonel Julio Alpirez, linked to the murder of U.S. citizen Michael Devine in 1990, and Efrain Bamaca, husband of Jennifer Harbury in 1992; 124 of the 247—more than half—Colombian military officials accused of human rights violations in the 1992 work ''State Terrorism in Colombia,'' compiled by a large coalition of European and Colombian nongovernmental organizations; 2 of the 3 officers prosecuted by Guatemala for masterminding the killing of anthropologist Myrna MACK in 1992, as well as several leaders of the notorious Guatamalan military unit D–2.

I continue to read the list of graduates of the U.S. Army School of the Americas at Fort Benning, GA: Argentinian dictator Leopoldo Galtieri, a leader of the so-called ''dirty war,'' during which some 30,000 civilians were killed or ''disappeared;'' Haitian Colonel Gambetta Hyppolite, who ordered his soldiers to fire on a provincial electoral bureau in 1987; several Peruvian military officers linked to the July 1992 killings of 9 students and a professor from La Cantuta University.

I read on from the list of graduates of the U.S. Army School of the Americas, Fort Benning, GA: Several Honduran officers linked to a clandestine military force known as Battalion 316 responsible for disappearances in the 1980s; 10 of the 12 officers responsible for the murder of 900 civilians in the El Salvadoran village of El Mozote; and, finally, 3 of the 5 officers involved in the 1980 rape and murder of 4 U.S. churchwomen in El Salvador. These are all graduates of the U.S. Army School of the Americas, Fort Benning, GA.

This school is not a victim of a few isolated incidents of wrongdoing by its graduates. This list shows that human rights violations are endemic among its graduates, with far in excess of 200 murders and other human rights violators by its past roll of honor graduates.

Can the School of the Americas claim innocence in the actions of its graduates? Many do not think it is possible. For example, just a few months ago the Guatemalan Truth Commission Report faulted the school's counterinsurgency training as having ''had a significant impact on the human rights violations during the armed conflict,'' a conflict that killed 200,000 people.

How, in the name of humanity or democracy, can the people of America allow this school to remain open? How can we sanction the legacy perpetuated by its name today? The Latin American dictatorships of the 1970s and 1980s have given way to democracy, some fragile, some strong. But to the people of these countries, the continued existence of the Army School of the Americas perpetuates the unfortunate link between the United States and the perpetrators of the heinous crimes I have just listed. The school should be closed to send a powerful signal to democratic countries of Latin America that America repudiates the terror, the torture, and the murder carried out against civilian populations by Central and South American military forces run amok.

I am not proposing that we hold this U.S. foreign military program accountable for the actions attributed to the graduates. We know from experience that people can be brutal with or without training. But neither can we deny the links of those human rights abusers to the School of the Americas. Just a few of those examples should have been enough for us to quickly close that school in shame.

In the post-cold-war era, it is more important than ever for the United States to promote democratic values and human rights in developing countries and to reject militaries that view their own countries' citizens as the enemy.

The Pentagon will tell you that the Army has tried to make changes at the school by updating the curriculum to include discussions of human rights and by approving the selection process for students and the quality of the teaching staff. I do not doubt that some changes have been made, but I am not confident that these changes are enough or could ever be enough at a facility with such a sorry history.

To be sure the continuing counterinsurgency training will not lead to future abuses against legitimate civic opposition, we must close this school. The U.S. Army School of the Americas is trying to sell itself with a new mission—certainly a topical mission—counternarcotics training. But the Chicago Tribune in an April 16 editorial addressed this assertion of a new mission directly:

> Attempts to recast the school as an antinarcotics center are so much hokum. Little in the curriculum is related to drug interdiction, and it is not at all clear that the U.S. Army is qualified to impart such instruction or that training the notoriously meddlesome Latin militaries to get involved in civilian law enforcement is advisable.

Most importantly, cosmetic changes in the curriculum cannot salvage the savage reputation of this school's graduates or erase the U.S. Army School of the Americas' bloody and embarrassing legacy. We offer plenty of other training opportunities for Latin American military personnel. We do not need this school, Latin America's fragile democracies do not need it, and it should be closed.

Last weekend it was my privilege to be part of a delegation sent by the leadership in Congress to go to Germany, Italy, Albania, Macedonia, and Belgium. During that visit, we met many of America's finest men and women in uniform who are literally doing their duty for this country, fighting to protect democracy and to accomplish the mission that has been assigned to them. I was so proud to be there and greet those from Illinois and from around the country and to thank them for the job they are doing for this country.

What I am about today is no reflection on them. In fact, I suggest to the leaders in the Pentagon, in the name of the men and women currently in uniform, to make certain that they don't

have to answer the troubling questions about the existence of this School of the Americas, it should be closed forthwith.

If there are those who want to come forward and suggest there are some missions at the school that can be transferred to another place, entirely peaceful, entirely constructive, entirely defensible, I will listen to that and I am open to it. But, please, once and for all let us close this sorry, sad chapter at the U.S. Army School of the Americas at Fort Benning, GA.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. CAMPBELL, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 38, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

S. 59

At the request of Mr. THOMPSON, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 59, a bill to provide Government-wide accounting of regulatory costs and benefits, and for other purposes.

S. 72

At the request of Ms. SNOWE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 72, a bill to amend title 38, United States Code, to restore the eligibility of veterans for benefits resulting from injury or disease attributable to the use of tobacco products during a period of military service, and for other purposes.

S. 247

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 247, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 344

At the request of Mr. BOND, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 344, a biil to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 345

At the request of Mr. ALLARD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 434

At the request of Mr. BREAUX, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the Medicare program, and for other purposes.

S. 556

At the request of Mr. BAUCUS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 556, a bill to amend title 39, United States Code, to establish guidelines for the relocation, closing, consolidation, or construction of post offices, and for other purposes.

S. 638

At the request of Mr. BINGAMAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 638, a bill to provide for the establishment of a School Security Technology Center and to authorize grants for local school security programs, and for other purposes.

S. 662

At the request of Mr. CHAFEE, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 712

At the request of Mr. LOTT, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 712, a bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for highway-rail grade crossing safety through the voluntary purchase of certain specially issued United States postage stamps.

S. 720

At the request of Mr. HELMS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 720, a bill to promote the development of a government in the Federal Republic of Yugoslavia (Serbia and Montenegro) based on democratic principles and the rule of law, and that respects internationally recognized human rights, to assist the victims of Serbian oppression, to apply measures against the Federal Republic of Yugoslavia, and for other purposes.

S. 738

At the request of Mr. DODD, the names of the Senator from Nebraska (Mr. KERREY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 738, a bill to assure that innocent users and businesses gain access to solutions to the year 2000 problem-related failures through fostering an incentive to settle year 2000 lawsuits that may disrupt significant sectors of the American economy.

S. 796

At the request of Mr. DOMENICI, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

At the request of Mr. WELLSTONE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 796, supra.

S. 801

At the request of Mr. SANTORUM, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 801, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 815

At the request of Mr. ROTH, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 815, a bill to amend the Internal Revenue Code of 1986 to extend the credit for producing electricity from certain renewable resources.

S. 835

At the request of Mr. CHAFEE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 835, a bill to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

SENATE JOINT RESOLUTION 21

At the request of Ms. SNOWE, the names of the Senator from Minnesota (Mr. GRAMS), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of Senate Joint Resolution 21, a joint resolution to designate September 29, 1999, as ''Veterans of Foreign Wars of the United States Day.''

SENATE RESOLUTION 29

At the request of Mr. ROBB, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of Senate Resolution 29, a resolution to designate the week of May 2, 1999, as ''National Correctional Officers and Employees Week.''

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of Senate Resolution 59, a bill designating both July 2, 1999, and July 2, 2000, as ''National Literacy Day.''

SENATE CONCURRENT RESOLUTION 29—AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR CONCERTS TO BE CONDUCTED BY THE NATIONAL SYMPHONY ORCHESTRA

Mr. LOTT (for himself, Mr. DASCHLE, Mr. MCCONNELL, and Mr. DODD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 29

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF NATIONAL SYMPHONY ORCHESTRA CONCERTS ON CAPITOL GROUNDS.

The National Park Service (in this resolution referred to as the ''sponsor'') may during each of calendar years 1999 and 2000 sponsor a series of three concerts by the National Symphony Orchestra (in this resolution each concert referred to as an ''event'') on the Capitol Grounds. Such concerts shall be held on Memorial Day, 4th of July, and Labor Day of each such calendar year, or on such alternate dates during that calendar year as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, each event authorized by section 1—

(1) shall be free of admission charge and open to the public, with no preferential seating except for security purposes as determined in accordance with section 4, and

(2) shall be arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with each event.

(c) AUDITS.—Pursuant to section 451 of the Legislative Reorganization Act of 1970 (40 U.S.C. 193m–l), the Comptroller General of the United States shall perform an annual audit of the events for each of calendar years 1999 and 2000 and provide a report on each audit to the Speaker of the House of Representatives and the Chairman of the Senate Committee on Rules and Administration not later than December 15 of the calendar year for which the audit was performed.

SEC. 3. STRUCTURES AND EQUIPMENT; BROADCASTING; SCHEDULING; OTHER ARRANGEMENTS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsor may erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for each event.

(b) BROADCASTING OF CONCERTS.—Subject to the restrictions contained in section 4, the concerts held on Memorial Day and 4th of July (or their alternate dates) may be broadcast over radio, television, and other media outlets.

(c) SCHEDULING.—In order to permit the setting up and taking down of structures and equipment and the conducting of dress rehearsals, the Architect of the Capitol may permit the sponsor to use the West Central Front of the United States Capitol for each event for not more than—

(1) six days if the concert is televised, and

(2) four days if the concert is not televised.

The Architect may not schedule any use under this subsection if it would interfere with any concert to be performed by a military band of the United States.

(d) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out each event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

(a) IN GENERAL.—The Capitol Police Board shall for each event—

(1) provide for all security related needs, and

(2) provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, advertisements, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds.

(b) EXCEPTION FOR CREDIT TO SPONSORS.—Notwithstanding subsection (a), credits may be appropriately given to private sponsors of an event at the conclusion of any broadcast of the event.

(c) ENFORCEMENT.—The Architect of the Capitol and the Capitol Police Board shall enter into an agreement with the sponsor, and such other persons participating in an event as the Architect of the Capitol and the Capitol Police Board considers appropriate, under which the sponsor and such persons agree to comply with the requirements of this section. The agreement shall specifically prohibit the use for a commercial purpose of any photograph taken at, or broadcast production of, the event.

SENATE RESOLUTION 82—EXPRESSING THE GRATITUDE OF THE UNITED STATES FOR THE SERVICE FOR THOMAS B. GRIFFITH, LEGAL COUNSEL FOR THE UNITED STATES SENATE

Mr. THURMOND (for himself, Mr. LOTT, Mr. DASCHLE, Mr. MCCONNELL, and Mr. DODD) submitted the following resolution; which was submitted and agreed to:

S. RES. 82

Whereas Thomas B. Griffith, the Legal Counsel of the United States Senate, became an employee of the Senate on March 13, 1995, and since that date has ably and faithfully upheld the high standards and traditions of the Office of Legal Counsel of the United States Senate;

Whereas Thomas B. Griffith, from October 24, 1995, to April 18, 1999, served as the Legal Counsel of the United States Senate and demonstrated great dedication, professionalism, and integrity in faithfully discharging the duties and responsibilities of his position, including providing legal defense of the Senate, its committees, Members, officers, and employees; representing committees in proceedings to obtain evidence for Senate investigations; representing the interests of the Senate as intervenor or amicus curiae in various court cases; and otherwise providing legal advice to Members, committees, and officers of the Senate;

Whereas Thomas B. Griffith, only the second person to hold the position of Senate Legal Counsel since it was created in 1979, has met the needs of the United States Senate for legal counsel with unfailing professionalism, skill, dedication, and good humor during his entire tenure; and

Whereas Thomas B. Griffith has tendered his resignation as Senate Legal Counsel, effective as of April 18, 1999, to return to the private practice of law: Now, therefore, be it

Resolved, That the United States Senate commends Thomas B. Griffith for his more than 4 years of faithful and exemplary service to the United States Senate and the Nation, including 3½ years as Senate Legal Counsel, and expresses its deep appreciation and gratitude for his faithful and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Thomas B. Griffith.

SENATE RESOLUTION 83—EXPRESSING THE SENSE OF THE SENATE REGARDING THE SETTLEMENT OF CLAIMS OF CITIZENS OF GERMANY REGARDING DEATHS RESULTING FROM THE ACCIDENT NEAR CAVALESE, ITALY, ON FEBRUARY 3, 1998, BEFORE THE SETTLEMENT OF CLAIMS WITH RESPECT TO THE DEATHS OF MEMBERS OF THE UNITED STATES AIR FORCE RESULTING FROM THE ACCIDENT OFF NAMIBIA ON SEPTEMBER 13, 1997

Mr. THURMOND submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 83

Whereas on September 13, 1997, a German Luftwaffe Tupelov TU–154M aircraft collided with a United States Air Force C–141 Starlifter aircraft off the coast of Namibia;

Whereas as a result of that collision nine members of the United States Air Force were killed, namely Staff Sergeant Stacey D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrans Road, Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania;

Whereas the Final Report of the Ministry of Defense of the Defense Committee of the German Bundestag states unequivocally that, following an investigation, the Directorate of Flight Safety of the German Federal Armed Forces assigned responsibility for the collision to the Aircraft Commander/Commandant of the Luftwaffe Tupelov TU–154M aircraft for flying at a flight level that did not conform to international flight rules;

Whereas the United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupelov TU–154M aircraft flying at an incorrect cruise altitude;

Whereas procedures for filing claims under the Status of Forces Agreement are unavailable to the families of the members of the United States Air Force killed in the collision;

Whereas the families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany; and

Whereas the United States Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Government of Germany should promptly settle with the families of the members of the United States Air Force killed in a collision between a United States Air Force C–141 Starlifter aircraft and a German Luftwaffe Tupelov TU–154M aircraft off the coast of Namibia on September 13, 1997; and

(2) the United States should not make any payment to citizens of Germany as settlement of such citizens' claims for deaths arising from the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the Government of Germany and the families described in paragraph (1) with respect to the collision described in that paragraph.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, April 21, 1999. The purpose of this meeting will be to review the USDA Office of the Inspector General's report on crop insurance reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, April 21, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on whether the United States has the natural gas supply and infrastructure necessary to meet projected demand.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 21, 1999 at 10 a.m. to hold a Markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 21, 1999 at 2 p.m. to hold a Hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on April 21, 1999, at 9:30 a.m. for a hearing on S. 746, The Regulatory Improvement Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 21, 1999 at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: ''Privacy in the digital age: discussion of issues surrounding the internet.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Select Committee On Intelligence be authorized to meet during the session of the Senate on Wednesday, April 21, 1999 at 3 p.m. to hold a closed hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Forests & Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, April 21, for purposes of conducting a hearing Subcommittee on Forests & Public Lands Management hearing which is scheduled to begin at 2 p.m. The purpose of the oversight hearing is to discuss the Memorandum of Understanding signed by multiple agencies regarding the Lewis and Clark bicentennial celebration.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, April 21, 1999, in open session, to review the readiness of the United States Navy and Marines Operating Forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 21, 1999, at 2 p.m. on the technology administration FY/2000 budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee of the Committee on Armed Services on Seapower be authorized to meet on Wednesday, April 21, 1999, at 2:30 p.m., in open session, to receive testimony on ship acquisition programs and policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, FEDERALISM AND PROPERTY RIGHTS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Federalism and Property Rights of the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Wednesday, April 21, 1999, at 2 p.m., in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ARCTIC NATIONAL WILDLIFE REFUGE

• Mr. MURKOWSKI. Mr. President, today a number of my colleagues introduced legislation to lock up America's best chance to reduce our dependence on foreign oil.

This legislation is bad policy Mr. President and should be vigorously opposed.

INCREASING DEPENDENCE ON FOREIGN OIL

Many times on the floor of the Senate my colleagues have heard me talk about the United State's increasing dependence on foreign oil.

I have made the point that we are importing too much of our oil from oversees while watching our domestic level of production decrease by the day.

Consider the following:

In 1994, domestic oil production dropped to 6.6 million barrels a day—the lowest annual level since 1954;

North slope oil fields—which provide 25 percent of our domestic production—has been in decline since 1988.

At the same time, national demand has steadily increased more than 17.7 million barrels per day—the highest level since the mid-1970's

Today the U.S. imports close to 56 percent of its oil.

Just how significant is a 56 percent dependence on foreign oil—lets look at it:

In 1973, the year of the Arab oil embargo—the year of the 2-hour wait at the gas lines—the United States was 36 percent dependent on foreign oil

In 1991, the year of Desert Storm, the United States was 46 percent dependent on foreign oil

Now we are 54 percent dependent.

And if we don't act soon there is no way to stop our increasing dependence on imported oil—a dependence our own Government says could be 67 percent by 2010.

In the meantime countries such as Algeria, Iraq, Libya, and Nigeria are all planning to increase their production levels.

Locking up ANWR in wilderness and increasing our dependence on foreign oil is bad policy.

ANWR RESERVE ESTIMATES ARE THE HIGHEST EVER

In 1998 the Department of the Interior published the results of over 3

years of research on the oil and gas potential of the 1002 area of ANWR.

The 1998 estimates is the highest estimate ever published regarding the 1002 area estimating a mean resource for the coastal plain of 7.7 billion barrels of produceable oil.

The new estimates are significantly higher than those produced by the Department of the Interior in 1987 which led to their recommendation to Congress to open the 1.5 million-acre area to responsible oil and gas leasing, exploration, and production.

TECHNOLOGY IN THE ARCTIC ALLOWS FOR SAFE DEVELOPMENT

The sponsors of the legislation do not recognize the incredible advances in development technologies on the North Slope.

This technology has reduced the size of the impact from development by more than 60 percent and is literally the best in the world.

ALASKANS AND NATIVE PEOPLE OF ALASKA OVERWHELMINGLY SUPPORT

Virtually all of Alaska's elected officials—both Republicans and Democrats support the careful development of this area.

The overwhelming majority of the Native people of Alaska support development of this area and strongly oppose wilderness designation, including the people who live in the Arctic National Wildlife Refuge Coastal Plain.

Recently the mayor of the North Slope Borough, Ben Nageak, who was born in the heart of the coastal plain at Kaktovik, wrote a letter to the President opposing wilderness designation.

The oil industry has been a good friend to the environment here while providing us with money and jobs so that we could be more productive members of American society. It (wilderness designation) will cripple our ability to wean ourselves away from the Federal Government's subsidies and destroy our attempts at self reliance.

JOBS AND REVENUE

It is estimated between 250,000 and 750,000 jobs nationwide will be created through safe exploration and development.

Billions of dollars of Federal revenues would be generated by safe exploration and development.

As a nation dependent on energy for our economic survival we have to find and produce energy here at home.

We must stop driving our energy producing industries and our energy jobs overseas.

According to the Department of Energy, U.S. dependence on foreign oil is expected to rise to 70 percent by the year 2000.

How much more likely are we to put our children and grand children in hams way on foreign oil to protect our domestic interests when we import 70 percent of our oil?

How can elected officials of this country—Members of this body—think that it is better policy to rely on oil from the likes of Saddam Hussein for U.S. energy security that it is to develop and produce our own?●

TRIBUTE TO WALTER H. WEINER

● Mr. SCHUMER. Mr. President, I rise to pay tribute to Walter H. Weiner on his retirement from Republic National Bank of New York and Republic New York Corporation. Mr. Weiner has served Republic New York Corporation with acclaimed leadership as Chief Executive Officer from January 1, 1980 to April 21, 1999, as President from January 1, 1980 to July 26, 1983 and as Chairman of the Board from July 23, 1983 to April 21, 1999; also, Mr. Weiner has served Republic National Bank with excellence and distinction as Chief Executive Officer from January 1, 1980 to April 21, 1999, as President from April 22, 1981 to April 16, 1986 and as Chairman of the Board from April 16, 1986 to April 21, 1999.

Mr. Weiner has been a wise and trusted colleague, adviser and friend to the directors, officers, and employees of the Corporation and of the Bank. I would like to acknowledge and pay tribute to him for his active and vital participation in the Bank's affairs and for his loyal support of its business philosophy and corporate purposes.

Mr. Weiner's skill and wisdom have been a great asset to his colleagues. His dynamic and expert service has contributed to both the Bank and Corporation immeasurably. The great success achieved by the Corporation and by the Bank have been in large measure due to the excellent leadership, generosity of spirit and untiring devotion that Mr. Weiner has brought to his more than nineteen years of dedicated service as Chief Executive Officer of these organizations. I have no doubt that he will continue to offer guidance and valuable contributions to the Corporation and the Bank as a member of the Boards of Directors.●

FISCAL YEAR 2000 BUDGET RESOLUTION

● Mr. JEFFORDS. Mr. President, first I must congratulate the Chairman of the Budget Committee, Senator DOMENICI, for producing an on-time budget for only the second time in the 24-plus-year history of the Budget Act.

I rise today to support the fiscal year 2000 budget resolution now before the Senate. I am pleased that this budget will pay down the Federal debt, boost education spending, and increase veterans health care spending. I am disappointed that budget conferees could only fund $6 billion of the $10 billion proposed by myself and Senator DODD in child care grants for low-income families and child care tax cuts. However, I appreciate the hard work Senator DOMENICI and others put into getting these funds.

While I realize that our amendment would not have guaranteed an increase in child care spending, Congress needs to face up to the reality that low-income mothers need to work, and to make work pay they need child care assistance. As Chairman of the Health, Education, Labor, and Pensions Committee, I can assure supporters of child care subsidies that this will not be the last word on this issue during the 106th Congress.

On a more positive note, this budget adheres to the historic Balanced Budget Act of 1997, while at the same time, over the next ten years, pays down $1.8 trillion of the $3.6 trillion in publicly held debt and provides for modest tax cuts until larger on-budget surpluses emerge.

Additionally the Republican budget will fence off the portion of the surplus generated through Social Security payroll taxes. I would like to reassure all Vermonters that not a dollar of these funds will be used to fund tax cuts. Instead, Social Security payroll taxes will go towards shoring up the program and possibly go toward providing capital for an overhaul plan. While this alone will not ensure the long-term financial health of the program, it will have the effect of reducing Federal debt and extending the solvency of the program.

Mr. President, the budget before the Senate also protects Medicare for our nation's seniors. Funding for Medicare is increased significantly, but like Social Security, the long-term health of the program is dependent not on providing additional funds, but on enacting needed structural changes. As the resolution indicates, Medicare beneficiaries must have access to high-quality skilled nursing services, home health care services and inpatient and outpatient hospital services in rural areas. The availability of these services is at risk, especially for rural populations, and I will do all I can to ensure that they are addressed as a part of any Medicare legislation. I am particularly pleased that the resolution includes a Medicare drug benefit reserve fund. The availability of a drug benefit for seniors is one of my highest priorities, and I plan to work with other members of the Finance Committee to have it included as a part of any Medicare reform effort.

Mr. President, I am very pleased that section 210 of the budget resolution sets forth a reserve fund ''to foster the employment and independence of individuals with disabilities.'' The language makes clear that, in the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation that finances disability programs to promote employment. This direction will facilitate the consideration of S. 331, the Work Incentives Improvement Act of 1999, which now has 72 cosponsors.

I am also pleased that the resolution contains Senator COLLINS and my Sense of the Senate in support of increased funding for the Pell grant program, the campus based programs, LEAP and TRIO. These programs have helped make the dream of college a reality for many of our nation's neediest students. Providing an increase in

funding for these tested and proven programs will open the doors of higher education to more academically motivated young people, specifically those who have the most financial need.

Lastly, Mr. President, given world events and the ever increasing demands we place on our military, I am pleased that this budget calls for an increase in military pay. We need to do more to alleviate the quality of life concerns of our men and women in uniform. However, I am concerned that some of the military increases in this budget are not going to the things that the military needs most, as evidenced by the current crisis in Kosovo.

This budget, like all budgets passed by Congress, is an expression of political intent and a starting point for bargaining. Much work remains to be done to pass the 13 appropriations bills that actually fund the government. In areas where I disagree with the budget resolution, I plan to work hard with appropriators to adjust spending levels and turn this budget into reality.●

2D LT. GEORGE W.P. WALKER

● Mr. REED. Mr. President, it is my pleasure to inform my colleagues that the U.S. Military Academy Class of 1958 is naming the debate room at Lincoln Hall, West Point, NY, in honor of their classmate, 2d Lt. George W.P. Walker.

George Walker was an outstanding soldier, scholar and leader. He graduated from the U.S. Military Academy No. 1 in his class. George Walker received many prestigious awards for his educational and military prowess. He was admired and respected by his classmates as a man of honor and a true friend. Tragically, 2d Lt. Walker died in an airplane accident in 1959 while he was en route to Oakland, CA, for an overseas assignment.

I wish to recognize the remarkable life of 2d Lt. George W.P. Walker by printing in the RECORD the February 2, 1959, remarks of Congressman Francis Dorn who appointed 2d Lt. Walker to the U.S. Military Academy. I ask that Congressman Dorn's remarks be printed in the RECORD.

The remarks follow.

2D LT. GEORGE W.P. WALKER

Mr. DORN of New York. Mr. Speaker, it is with great sadness that I inform my colleagues of the death of 2d Lt. George W.P. Walker, son of Mr. and Mrs. George Walker of 1103 East 34th Street, Brooklyn, N.Y. Lieutenant Walker was in an aircraft accident in North Carolina while he was enroute to Oakland, Calif., for overseas assignment.

Lieutenant Walker was my appointee to the U.S. Military Academy and when he was graduated from that institution in June of 1958, he stood No. 1 in his class. For the entire time he attended the Military Academy, he was carried on the dean's list.

Upon graduation, he was presented with the following awards:

For having the highest rating in mechanics of fluids, a portable typewriter, presented by the National Society, Daughters of the American Revolution.

For excellence in intercollegiate debating, a wristwatch presented by the Consul General of Switzerland.

As the No. 1 man in military topography, a wristwatch presented by the Daughters of the Union Veterans of the Civil War.

The Francis Vinton Greene Memorial, caliber .45 pistol, presented in the name of Mrs. Green, for standing No. 1 in general order of merit for 4 years; a set of books presented by the American Bar Association for having the highest rating in law; a silver tray—called the Eisenhower Award—presented by the American Bar Association for having the highest rating in law; a silver tray—called the Eisenhower Award—presented by Mr. Charles P. McCormick of Baltimore, Md., for excellence in military psychology and leadership.

In addition to maintaining his very high military and academic standing while at the Academy, Cadet Walker was active in extracurricular activities, and during his last year held the rank of lieutenant in the Corps of Cadets.

The Nation has lost a potential outstanding military leader and the loss is indeed a great one. I was proud to have been his sponsor, and I join in grieving with his parents.●

BETHESDA MINISTRY'S 40TH ANNIVERSARY

● Mr. ASHCROFT. Mr. President, I rise today in recognition of the outstanding service that Bethesda Ministry has provided to the Colorado Springs community as well as to missions work around the world. It is with great pleasure that I commend them for their 40 years of remarkable achievements. They are a great inspiration.

As our Nation and the world look increasingly for moral guidance in a period of moral decay, Bethesda Ministry provides a path for others to follow. I wish to extend my heartfelt congratulations to Bethesda Ministry for their commitment to God and to the redemptive mission of Christ. Best wishes for a joyous and memorable 40th Anniversary.●

WATER RESOURCES DEVELOPMENT ACT—SAVANNAH HARBOR DEEPENING PROJECT

● Mr. HOLLINGS. Mr. President, I rise today to discuss the Water Resources Development Act that was passed by the Senate on Monday, April 19, 1999. I apologize for the tardy nature of my remarks, but I have been inundated with requests from my constituents to clarify the language regarding this project. I hope the Chairman of the Senate Environment and Public Works Committee will help clarify the intent of the Savannah Harbor Expansion Project authorization that appears in Section 101 of the 1999 Water Resources Development Act.

Mr. CHAFEE. I will try.

Mr. HOLLINGS. It is my understanding that this legislation does not exempt affected Federal, State, regional, and local entities from their independent legal duties to propose and evaluate navigation improvement projects in compliance with the requirements of applicable law; including the National Environmental Protection Act, the Water Resources Development Act of 1986, the Endangered Species Act, the Clean Water Act, the Coastal Zone Management Act, and the Fish and Wildlife Coordination Act, as well as the laws of South Carolina and Georgia.

Mr. CHAFEE. That is correct.

Mr. HOLLINGS. I also understand that the concurrence of the federal agencies in the implementation plan and mitigation plan will not compromise or impair those legal requirements. Is that correct?

Mr. CHAFEE. That is correct.

Mr. HOLLINGS. And I further understand that authorization of the project is contingent upon all applicable legal requirements being met. Is that correct?

Mr. CHAFEE. That is correct.

Mr. HOLLINGS. I thank the Chairman for the opportunity to clarify these understandings.●

CONGRATULATIONS TO PUEBLO PACHYDERM CLUB

● Mr. ALLARD. Mr. President, I wish today to recognize a group from Pueblo, Colorado—the Pueblo Pachyderm Club. This is Founders Week of the National Federation of the Grand Order of Pachyderm Clubs, and I think it is fitting that we acknowledge their civic efforts and attitude.

The Pueblo Pachyderm Club, and the National Federation of Pachyderm Clubs, have a motto—''Free government requires active citizens.'' Their goal is to develop future leaders and better citizenship through the promotion of wide-spread involvement by good citizens in politics. They advocate better government through club programs and open meetings, by providing scholarships for political science students, by sponsoring campaign workshops, and by encouraging awareness of political affairs.

The founders who have worked tirelessly for the Pueblo Pachyderm Club for years deserve special recognition. They have made the Club a fixture in the Pueblo community. The Club's regularly scheduled luncheons have become an avenue for local and state officials to meet with and listen to the concerns and thoughts of the community.

Bringing together citizens, and hosting politicians and officials, leads to greater and better communication and fosters the beginning of new political interests and political potential. To simplify it—the more the better. The larger the percentage of our public that is involved in policy decision making, the better. With this in mind, the Pachyderm Club continues its mission. I wish them the best.●

CONGRATULATIONS TO THE LOW VISION INFORMATION CENTER FOR 20 YEARS OF PUBLIC SERVICE

● Mr. SARBANES. Mr. President, I rise today to commemorate the 20th anniversary of the Low Vision Information Center, LVIC, located in Bethesda, Maryland. This unique center provides

critical help to visually impaired individuals and their families.

Low vision is the third leading cause of disability in the United States whose causes, among others, include macular degeneration and glaucoma. Low vision is a life altering condition which prevents millions of Americans from performing ostensibly elementary tasks such as reading, walking without aid, dialing the telephone, and even recognizing the faces of family and friends. Unlike other vision complications, low vision cannot be corrected with glasses and contacts, nor are there medical or surgical solutions available. There are, however, research and rehabilitation centers which address low vision, including Maryland's own Johns Hopkins Lions Vision Research and Rehabilitation Center at the Wilmer Eye Institute, which research the condition and help formulate ways in which the challenges posed by low vision can be reduced.

The LVIC provides a related but unique service. Established 20 years ago, LVIC is dedicated to helping individuals with low vision cope with daily tasks in a home-like setting with the most up-to-date technology, LVIC has served more than 40,000 clients and their families during its 20-year history. Currently, LVIC staff and volunteers see up to 150 clients a month in their downtown Bethesda office. LVIC helps people with everything from successfully pouring a cup of coffee, to writing personal checks, to learning how to use a talking watch. Additionally, LVIC often shows vision professionals what it is like to suffer from low vision by providing them with goggles that simulate various eye afflictions. Staff and volunteers also visit senior centers and nursing homes to educate this populace about low vision.

Mr. President, it has always been my firm belief that public service is one of the most honorable callings, one that demands the very best, most dedicated efforts of those fortunate enough to serve their fellow citizens. LVIC provides a critical public service to countless individuals in our society, both by directly helping those who suffer from low vision, and by educating professionals and lay people alike on the causes, symptoms and technology available relating to low vision. I am pleased to join with all of LVIC's clients and their families, staff and volunteers in celebrating 20 years of public service that has significantly improved the quality of life for low vision individuals in our society.●

THE CLEAN GASOLINE ACT OF 1999

● Mr. CHAFEE. Mr. President, today I am adding my name as a cosponsor of S. 171 the Clean Gasoline Act of 1999. This bill sets a national, year-round cap on the sulfur content of gasoline sold in the United States. The bill would bring American gasoline standards in-line with the low sulfur levels required in Japan, Australia, the European Union and the State of California.

As we all know, cars are a significant source of air pollution. This bill would have an effect on pollution equal to removing 54 million vehicles from the road. The reason for such a dramatic improvement is that sulfur in gasoline coats the car's catalytic converter and spoils its ability to reduce emissions smog-forming pollutants. More than 30 percent of these pollutants are emitted by cars and trucks.

In the new breed of low emission vehicles, sulfur is particularly damaging. Engineers have created a new generation of pollution control devices for these vehicles that more effectively reduce smog-forming emissions. But, these cutting-edge technologies are poisoned by even moderate sulfur levels in the gasoline. According to industry research on this new class of clean cars, reducing gasoline sulfur concentration from the current national average of 330 parts per million to 40 ppm will reduce hydrocarbon emissions by 34 percent, carbon monoxide emissions by 43 percent, and nitrogen oxides emissions by 51 percent.

If these devices fail to work properly because they are clogged with sulfur, those emissions reductions will be lost and much of our investment in cleaner automotive technology will be wasted.

More importantly, lower sulfur levels in gasoline will reduce emissions from nearly every car on the road today—not just those with the latest pollution control devices. This is because reducing the sulfur content of gaoline instantly improves the performance of all catalytic converters in all cars. Low-sulfur fuel adds value to our existing investments in pollution control technology. There are more than 125 million passenger cars on the road today, and this bill will make almost every single one of them cleaner.

I'm sure my colleagues recall the phase-out of leaded gasoline in the late 1970s. We undertook that phase-out because we understood that catalytic converters—a new technology at the time—would not work with lead in the gasoline. Now is the time to phase-out sulfur because, by reducing sulfur levels, we can reap more rewards from existing technology and eliminate barriers to new technology.

Reducing sulfur levels in gasoline will require some changes to oil refining and processing techniques, and there is a modest cost associated with that. But, no other strategy can achieve such large reductions in air pollutants so quickly. We must capitalize on two decades of improvements in automotive technology by making similar advances in the gasoline used in those cars.●

ENVIRONMENTAL EDUCATION CENTER DEDICATION

● Mr. ROCKEFELLER. Mr. President, I would like to share with my colleagues a very special occasion for education. I proudly want to share in the celebration as Oglebay Institute announces its new and sophisticated 11,700-square foot Schrader Environmental Educational Center in Wheeling, West Virginia. The incredible opportunities that will be offered by this state-of-the-art facility characterize the Oglebay Institute's dedication to educating students and adults about science, nature, and the environment.

The Oglebay Institute in Wheeling, West Virginia is a non-profit organization with a particularly distinguished mission of promoting lifelong learning in a variety of creative ways and areas. The Institute lends its support to the visual and creative arts, sponsoring regional and national artists in two museums as well as a fine arts center. By hosting numerous plays and concerts every year, the Oglebay performing arts department is equally important in adding to the cultural richness of the surrounding community. To promote regional natural history interpretation and preservation, the Institute carefully maintains 4.5 miles of discovery trails and a butterfly and wildflower garden in the 1,650 acre Oglebay Park. Such resources are well utilized in programs for regional wildlife education. The opportunities available range from nature walks to bird observation, and travel programs to celebrations of Earth Week. The environmental education department, whose accomplishments we honor today, caters to a wealth of individual interests while promoting universal environmental literacy and motivation. Particularly noteworthy in such endeavors are the hands-on experiences with various aspects of nature. In the program offerings such options abound; participants choose from among astronomy, maple sugaring and interactive computer simulations.

For sixty-eight years, the Oglebay Institute has been a pioneer in this field of nature, science and environmental education, successfully coupling recreation with the promotion of environmental awareness. The new Environmental Education Center, with its exceptional design and ideal location, insures a great contribution to this vision. The Schrader Center's exhibition areas will offer interactive opportunities exploring all issues, ranging from the self-supporting nature of the Earth to our role as its caretakers. At the newly constructed cutting edge learning center, outreach technology will enable adaption of educational programs to extend education to local students and others thanks to distance learning. I have full confidence that the proximity of the Environmental Education Center to the expansive Oglebay Park, where many outdoor activities take place, will serve as further incentive to enjoy the remarkable opportunities available.

West Virginians and tourists from across the country visit Oglebay Park and learn from the Oglebay Institute. For seven decades, the Oglebay Institute has provided education, culture, and recreational activities for crowds

throughout the region. Among the eager participants are school groups who can gain hands-on experience at the new center.

The Oglebay Institute's efforts to educate and fully engage are critical to an environmentally-conscious future, and worthy of our attention and praise. The Schrader Environmental Education Center will undoubtedly prove to be an enormous asset to West Virginians and the entire region as a way to improve our understanding of science and our nature. This is a special day for the Oglebay Institute and the entire Wheeling area.●

CHAMPIONING THE GIFT OF LIFE

● Mr. TORRICELLI. Mr. President, I rise today to recognize Dr. R. Gordon Douglas, Jr., President of the Vaccine Division of Merck & Co., Inc. as he prepares for his retirement after decades of distinguished service. As a leader in one of New Jersey's largest pharmaceutical companies, Dr. Douglas has been responsible for the research, development, manufacturing and marketing of Merck's vaccine line. In addition to his responsibilities at Merck, Dr. Douglas has helped improve the lives of thousands of people throughout the world through his leadership roles in his company's and the State's blood drives.

In 1998, Dr. Douglas encouraged over 3,400 Merck employees in New Jersey to give the life-saving gift of blood. He took a significant leadership role with the New Jersey Blood Services by chairing the Blood Donor Campaign in 1997–1998 and encouraging colleagues in other corporations to increase their blood drive efforts. Under his leadership, the Merck Blood Drive Program received the America's Blood Centers 1999 Platinum Award, the highest blood drive award given by the Nation's largest network of independent, community blood centers.

Dr. Douglas has served as a physician, academician, and world-class leader in the fight against infectious diseases. As a graduate of Cornell University Medical School, he has served as a clinical investigator at the National Institute of Health, a member of the faculty at the Baylor College of Medicine, and the School of Medicine at the University of Rochester, and later returned to Cornell as Chairman of the Department of Medicine in the Medical College before beginning his career at Merck.

In a career marked by many valuable achievements, I am pleased today to highlight Dr. Douglas' contributions to New Jersey and society.●

ORDER OF PROCEDURE

Ms. COLLINS. Mr. President, I do have some unanimous-consent requests that I would like to propound at the request of the leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar, No. 36.

I finally ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, that any statements relating to the nomination be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Gordon Davidson, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2004.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Ms. COLLINS. Mr. President, I do want to inform my colleagues who are waiting to speak that it will not take me long to conclude these unanimous consent requests and that it will not preclude them from being able to deliver their remarks.

COASTAL BARRIER RESOURCES SYSTEM CORRECTIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 83, S. 574.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

A bill (S. 574) to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System.

There being no objection, the Senate proceeded to consider the bill.

Mr. CHAFEE. Mr. President, I am pleased to offer my support for S. 574, a bill that would direct the Secretary of the Interior to make two technical corrections to a coastal barrier unit in Delaware. Congress enacted the Coastal Barrier Resources Act in 1982 to address financial and ecological problems caused by development of coastal barriers along the eastern seaboard. The law was so successful that we expanded the Coastal Barrier System in 1990 with the support of the National Taxpayers Union, the American Red Cross, Coast Alliance, and Tax Payers for Common Sense, to name just a few.

When we mapped the coastline some mistakes were made, and S. 574 would make technical corrections. the first change modifies the upper northeastern boundary to exclude land under development at the time of its inclusion into the system. the second change modifies the northwestern boundary to include a section of the Cape Henlopen State Park that was mistakenly excluded when the boundary was drawn. S. 574 is identical to a bill that passed the Senate by unanimous consent last year.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 574) was considered read a third time and passed, as follows:

S. 574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORRECTIONS TO MAP.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary to move on that map the boundary of the otherwise protected area (as defined in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591)) to the Cape Henlopen State Park boundary to the extent necessary—

(1) to exclude from the otherwise protected area the adjacent property leased, as of the date of enactment of this Act, by the Barcroft Company and Cape Shores Associates (which are privately held corporations under the law of the State of Delaware); and

(2) to include in the otherwise protected area the northwestern corner of Cape Henlopen State Park seaward of the Lewes and Rehoboth Canal.

(b) MAP DESCRIBED.—The map described in this subsection is the map that is included in a set of maps entitled ''Coastal Barrier Resources System'', dated October 24, 1990, as revised October 15, 1992, and that relates to the unit of the Coastal Barrier Resources System entitled ''Cape Henlopen Unit DE–03P''.

USE OF THE CAPITOL GROUNDS FOR CONCERTS TO BE CONDUCTED BY THE NATIONAL SYMPHONY ORCHESTRA

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 29, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

A concurrent resolution (S. Con. Res. 29) authorizing the use of the Capitol Grounds for concerts to be conducted by the National Symphony Orchestra.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. COLLINS. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 29) was agreed to, as follows:

S. CON. RES. 29

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF NATIONAL SYMPHONY ORCHESTRA CONCERTS ON CAPITOL GROUNDS.

The National Park Service (in this resolution referred to as the ''sponsor'') may during each of calendar years 1999 and 2000 sponsor a series of three concerts by the National Symphony Orchestra (in this resolution each concert referred to as an ''event'') on the Capitol Grounds. Such concerts shall be held on Memorial Day, 4th of July, and Labor Day of each such calendar year, or on such alternate dates during that calendar year as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, each event authorized by section 1—

(1) shall be free of admission charge and open to the public, with no preferential seating except for security purposes as determined in accordance with section 4, and

(2) shall be arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with each event.

(c) AUDITS.—Pursuant to section 451 of the Legislative Reorganization Act of 1970 (40 U.S.C. 193m–l), the Comptroller General of the United States shall perform an annual audit of the events for each of calendar years 1999 and 2000 and provide a report on each audit to the Speaker of the House of Representatives and the Chairman of the Senate Committee on Rules and Administration not later than December 15 of the calendar year for which the audit was performed.

SEC. 3. STRUCTURES AND EQUIPMENT; BROADCASTING; SCHEDULING; OTHER ARRANGEMENTS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsor may erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for each event.

(b) BROADCASTING OF CONCERTS.—Subject to the restrictions contained in section 4, the concerts held on Memorial Day and 4th of July (or their alternate dates) may be broadcast over radio, television, and other media outlets.

(c) SCHEDULING.—In order to permit the setting up and taking down of structures and equipment and the conducting of dress rehearsals, the Architect of the Capitol may permit the sponsor to use the West Central Front of the United States Capitol for each event for not more than—

(1) six days if the concert is televised, and

(2) four days if the concert is not televised.

The Architect may not schedule any use under this subsection if it would interfere with any concert to be performed by a military band of the United States.

(d) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out each event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

(a) IN GENERAL.—The Capitol Police Board shall for each event—

(1) provide for all security related needs, and

(2) provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, advertisements, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds.

(b) EXCEPTION FOR CREDIT TO SPONSORS.—Notwithstanding subsection (a), credits may be appropriately given to private sponsors of an event at the conclusion of any broadcast of the event.

(c) ENFORCEMENT.—The Architect of the Capitol and the Capitol Police Board shall enter into an agreement with the sponsor, and such other persons participating in an event as the Architect of the Capitol and the Capitol Police Board considers appropriate, under which the sponsor and such persons agree to comply with the requirements of this section. The agreement shall specifically prohibit the use for a commercial purpose of any photograph taken at, or broadcast production of, the event.

ORDERS FOR MONDAY, APRIL 26, 1999

Ms. COLLINS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. on Monday, April 26. I further ask that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and there then be a period of morning business until the hour of 3:30 p.m. with Senators permitted to speak for up to 10 minutes each.

I further ask unanimous consent that at 3:30 p.m. on Monday, the Senate resume the motion to proceed to S. 96, the Y2K legislation, and that there be 2 hours of debate equally divided in the usual form. I finally ask unanimous consent that the vote on invoking cloture on the motion to proceed occur at 5:30 p.m. on Monday, with the mandatory quorum waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. COLLINS. For the information of all Senators, on Monday the Senate will resume consideration of the motion to proceed to the Y2K legislation. A cloture vote on that motion will occur at 5:30 p.m. on Monday. Senators can therefore expect the next rollcall vote on Monday at 5:30. The Senate may also consider any other legislative or executive items that can be cleared for action.

ORDER FOR ADJOURNMENT

Ms. COLLINS. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator LANDRIEU, Senator THURMOND, Senator DURBIN, Senator LEAHY, Senator CHAFEE, and Senator LOTT.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I thank the Chair, and I thank my colleagues for their patience. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Thank you, Mr. President. I yield 1 minute to my friend, the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Senator from Louisiana for her customary courtesy.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 96 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

(The remarks of Mr. LEAHY pertaining to the introduction of S. 871 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

KOSOVO

Ms. LANDRIEU. Mr. President, on the eve of the gathering of all of NATO to celebrate the successful completion of our first 50 years, I wanted to take this opportunity to comment on the current situation in Europe.

As you know, we are blessed to live in a country which enjoys a deeply rooted democracy and a deeply rooted sense of equality. However, these same characteristics and qualities which make America a model for the world also present very real challenges in times like these.

It is often said that the most difficult task for any democracy is deciding to go to war. The reasons are self-evident. When you live in a nation that believes all people are created equal, how do you ask some citizens to sacrifice so much so that others may continue to enjoy their freedom? When you live in a nation where human life is sacred, where, in fact each individual life has dignity, how do you build a consensus for the sacrifices that may be necessary to achieve the victory that we hope for?

The task is even more complex when the challenge to American freedom is more indirect, as it is in this case. We have confronted this reality since the beginning of the war in Kosovo. No one in America believes that Serbia intends to invade the United States. We will never look out of the window and see Yugoslavian tanks driving down Pennsylvania Avenue to squelch American liberties. It remains, then, for those of us in the leadership of this Nation who support NATO operations in Kosovo to explain why we are prepared to ask American troops to make the sacrifices that may be necessary, in this seemingly remote and distant land.

I believe there is one central reason that justifies our actions, and that is the price, the tremendous price, we have already paid for freedom in America and in Europe.

Our parents' generation and their parents were asked to risk their lives to fundamentally alter the way the world operates. In World War I, President Wilson asked our grandparents to fight to make the world ''safe for democracy,'' and they did. In World War II, when fascism threatened to conquer the democracies of Europe, President Roosevelt asked America to become ''the arsenal of democracy,'' and we were. During the cold war, President KENNEDY called on Americans to ''pay any price, to bear any burden,'' to meet the threat of communism, and we have. Finally, President Reagan said insisted that we ''tear down that wall,'' and it was.

We emerged victorious from World Wars I and II, as well as the cold war, but not without a price. American blood was spilled in the trenches of World War I and on the beaches of Normandy during World War II. Americans fought and died in Korea and Vietnam to contain communism during the Cold War. So, for more than three generations, Americans have been making the sacrifices necessary to change the world in which we live and to maintain democracy in Europe and, yes, indeed, to help spread it throughout the entire world.

It is important to remember that this sacrifice has not been in vain. It is easy today to be cynical about human nature and the prospects for lasting peace in Europe. After all, these feuds in Europe predated America's existence by many centuries. But to dwell on the worst instincts of Europe and Western civilization is to ignore the very real progress and the tremendous victories that have been made possible by our allied unity and American intervention.

Who would have imagined that in a little over 50 years, since the end of World War II, bitter enemies like France and Germany, England and Italy, would be joined by a common currency, a common market, and a pledge to defend one another against a common enemy? It was the sacrifice of many, including Americans, that made it possible for Europe to turn its back on a history of bloody conflict and embrace a vision for peace and democracy across its great continent.

Ironically, as NATO expands to the east and the European Union incorporates still more of Europe, we are faced with a war in Yugoslavia that threatens to undo all of this good work. It is ironic because that is how this century began, with an act of violence from Serbia which sparked a world war.

The President is fond of saying that the war in Kosovo will either be the last war of the 20th century or the first war of the 21st. What I believe he is trying to say is, that we can defeat Milosevic and give meaning to nearly 100 years of American struggle and effort to bring peace to Europe and secure the gains of our parents and grandparents, or we can turn our backs on their sacrifice, ignore the human tragedy, ignore the tremendous financial investment that has already been made. Then we will hope against our experience that the conflict in Kosovo will simply fade away.

Many have remarked that the 20th century has been the most bloody in human history. It is hard to verify such claims. Nevertheless, it is true that we live in an era where the efficiency of industry and technology has been matched, unfortunately, by our expert ability to kill one another. We must, however, stay the course and join with our NATO allies to finish our work and eliminate military aggression and ethnic cleansing as a legitimate tool of national policy.

There is a sleepy little town in Austria, near the German border called Branau am Inn. It is not one of those towns at the crossroads of Europe; it is not the home of kings and emperors. In fact, no one in Branau, if it were not for a small event, no one in the world would have ever heard of Branau. But it is the birthplace of Adolf Hitler. The sad legacy of this town is not marked with any great monument. Instead, above the home where Hitler was born, two simple words are written: Never again.

Those two words represent a solemn pledge that this country and all civilized nations made at the close of World War II: Never again would we stand idly by while innocent men, women, and children were massacred. Never again would we allow a nation to invade its neighbors without consequences.

Some of my colleagues here in the Senate are consistently remind us that Kosovo is not the Holocaust. I agree. What has occurred in the last few months, does not yet compare to the crimes the Nazi's perpetrated. But this is a senseless justification for inaction. Should we wait for another Holocaust to occur before we act decisively? What, then, is the point of action? How many children must be traumatized? How many homes need to be destroyed? How many women need to be victims of brutality before we can act? I say the words ''never again'' mean that we should not wait and we will be decisive in our action. That is why I support using whatever means is necessary to accomplish the goal set out by NATO. The President and our NATO allies believe we can achieve this purpose through air attacks. I certainly hope this is correct. But I also agree with many of my colleagues, led by Senators MCCAIN and BIDEN, that we cannot rule out other measures that can assure our victory and success. I am proud to join them in cosponsoring an important resolution that they introduced earlier this week, which seeks to give the President the authority and tools necessary to win this war. I urge my colleagues to consider joining with us to send this powerful and much-needed message of resolve during the conflict.

The only way that we can have peace in the Balkans is for people like Milosevic and the thugs underneath him to understand that there are real and personal consequences for their barbaric atrocities.

The reports are very disturbing and it is very hard for me to repeat them. I predict, unfortunately, that more and more horror stories will be appear in our papers, as more survivors escape to tell their stories. As NATO spokesman, Jamie Shea, explained, the Serbs are engaging in a sort of ''human safari'' where they methodically flush out their victims from their homes using tear gas and herd them like animals out of Kosovo. There have been repeated reports of the systematic rape of girls and women. Very conservative NATO estimates indicate that over 100,000 people have simply disappeared, many of them men who have been separated from their families—probably many to their early deaths. When we pledged ''never again,'' these were the sorts of atrocities that we were talking about.

As a result of these reports that, I intend to introduce a resolution in the Senate calling on the President to ask for war crimes indictments against the Serbian leadership before the International Criminal Tribunal for the former republic of Yugoslavia. The chief prosecutor has already announced that the jurisdiction of the tribunal extends to Kosovo.

We must ask ourselves what kind of situation will we have if Milosevic and his allies go unpunished. Will we have another rogue nation, this time in the heart of Europe, with little else motivating them besides age-old desires for revenge and an interest in interfering with the stability and prosperity of the United States and the entire European continent? We simply cannot allow another Iraq in the middle of Europe. One of the central tenets of our policy must be that these individuals will be brought to justice. Only then will these hundreds of thousands of refugees have any chance of returning to their homes. Only then will we have peace and democracy in the Former Republic of Yugoslavia, and only then will we have at least begun to live up to our solemn promise of ''never again.'' I wish the best of success for the gathering here in Washington of our NATO allies.

TAKE YOUR DAUGHTER TO WORK DAY

Ms. LANDRIEU. Mr. President, on a note closer to home, I would like to say a special word of thanks to all the Senators and staffers that joined together in support of a very special day here in Washington and in America that we hope will spread to many places in the world, and that is Take Your Daughter to Work Day. I have with me here working in the Capitol two of my nieces, Holly Landrieu and Emily Landrieu, and two of my friends from college and their daughters are here, Sarah Margaret and Claire.

With the hundreds of other young girls that have joined us, they are learning that our work is about domestic issues and international issues, that we have to be concerned with what happens in our own communities and in far places around the world. So it has been a good experience for many of them. I thank our colleagues for sharing this day with so many special girls in this area and around the country.

I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. GRAMS. Mr. President, I ask unanimous consent that I be able to change the previous order and that I be allowed to speak for up to 10 minutes in morning business following Senator DURBIN.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina, Mr. THURMOND, is recognized.

(The remarks of Mr. THURMOND pertaining to the introduction of S. 865 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). We thank the distinguished President pro tempore for the remarks.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I send a bill to the desk for introduction and appropriate referral to committee.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 873 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

KOSOVO

Mr. DURBIN. Mr. President, I would like to address for a moment as well some reflections on the visit I made this past weekend as part of this delegation. It was a delegation that flew from Washington Andrews Air Force base to Ramstein Air Force Base in Germany where we met with General Wesley Clark, the Supreme Allied Commander of the NATO forces for our mission in Kosovo and Serbia. We then went to a war room at that base and met, as I mentioned earlier, with some of the most amazing young men and women that America could ever hope to bring to this cause. They are so filled with energy and commitment and enthusiasm that it really makes you proud to be an American, to be in their midst. You see the amazing technology at their disposal and realize without their dedication and their talent it would mean little or nothing.

We flew the next morning from that Air Force base directly, on a cargo plane, to Albania, one of the poorest countries in Europe, where, on a lengthy landing strip, we saw one of the most massive humanitarian efforts undertaken since World War II in Europe. Countries literally from all over the world are rallying for the Kosovo refugees. Among them you could see evidence of humanitarian assistance from the French, the Swedes, of course the Americans; helicopters from the United Arab Emirates—so many different countries coming together in this humanitarian undertaking. The men and women who have to endure the most primitive conditions living there to protect this humanitarian airlift, again, deserve our praise, because there they sit literally on a muddy delta in their tents doing their duty. I was proud to represent this Nation and represent the State of Illinois in thanking them so much for their sacrifice.

We flew from Albania, after meeting with the Prime Minister, to Macedonia, part of the trip which I may never forget as long as I live, because we visited a refugee camp at a place outside of Skopje, Macedonia, the camp known as Brazda, or Stakovac. Two weeks ago, this camp did not exist. Today, it has 32,000 people in it. In the 48 hours before we arrived, over 7,000 refugees came across the border out of Kosovo, looking for safety.

I walked into that camp which had been built by NATO and was being managed by the Catholic Relief Services and was literally mobbed when I offered a piece of candy to a young child. They saw an American with a bag full of candy and they wanted to come up and meet me right away. I passed out a lot of these Hershey Kisses to the kids, and their parents stood around. With a translator, I asked them: Why are you here? Open-ended question, no propaganda: Why did you leave Kosovo?

The story was the same over and over again. Simple people leading ordinary lives in the villages of Kosovo would hear a knock on the door in the middle of the night, only to be greeted by people in black ski masks, some of whom they knew right away to be their neighbors, who announced they had 5 minutes to pick up anything they wanted to pick up with them and leave the country because their house was about to be burned down or blown up. In many cases, the head of the family, if he were a young adult male, was taken away from them. The rest were pushed out in the road and they started their walk, their walk to safety, their walk out of Kosovo.

You know, when you see pictures of refugee camps around the world, you see some very sad scenes. Many times the people are very poor, starving, very sick, some dying on the spot. That was not the case at these refugee camps. These people, as I said, were ordinary people leading their lives, who were disrupted because of Slobodan Milosevic's ethnic cleansing. What was their crime? They committed no crime other than to have, as far as Mr. Milosevic was concerned, the wrong ethnic background, the wrong culture, the wrong religion. You see, he is cleansing his country, as he says, of these undesirables.

I am not sure what the word genocide means to most people, but when I saw these people, the tens of thousands, shunned, rejected, persecuted and pushed out of their homes, now trying to make a simple life in a refugee camp, I understood genocide and ''geno-suffering.''

Some people ask a question: Why is the United States involved in this? Why do we care? What does this have to do with America? Come on, these are people in Serbia and they always fight, don't they?

I think there is more to the story because what is at stake here is Europe, and Europe has always had a special meaning to the United States. In this century, we fought two World Wars, we have given the best of our country in defense of causes that we felt were right against Nazism, against communism, to make certain that Europe was peaceful, had stability, was there, and they were friends of the United States. It means something to the people of Europe.

This morning, as part of the NATO summit, the Polish Prime Minister came here on Capitol Hill. It was a wonderful celebratory gathering, for breakfast: Poland, so proud and happy to be part of NATO. Think of that, that this country that went through such deprivation during World War II under the heel of communism for so many decades had finally pushed it aside through their own courage and determination and said once and for all: We are not neutral in our future. We are part of the West. We want to be part of NATO. That is where we belong.

I am proud of that, proud of that as an American that Hungary, the Czech Republic and Poland became part of NATO and are dedicated to the principle of democracy, something we are all about in the United States. What a great celebration will happen in Washington, even under the shadow of the war that goes on, as these NATO allies come together, determined to make a better future in Europe. That is one of the reasons we are there.

Second, NATO itself is being tested. The NATO alliance has come forward and said we will not allow a dictator in Europe who pursues these policies of genocide, who has initiated four wars in 10 years, who tomorrow will start another war and pick some more innocent victims—we cannot have a stable Europe with this in place. Slobodan Milosevic must be stopped. Mr. President, 18 allied nations turned to the United States and said: Are you with us? Will you be with us in this mission?

I am glad President Clinton said yes. I voted for the airstrikes. I think it was the appropriate response for NATO against Milosevic.

The third issue is one of values, values as to whether or not we stand for anything as Americans. God knows we have throughout our history. We do not get engaged in wars to pick up territory or to come back with loot and booty. We get engaged in wars for values. That is what it was all about in World War II; to make sure that Hitler and his genocide would come to an end once and for all, to make certain in the cold war that we stopped the spread of communism in Europe. Now, today, in this mission in Kosovo, we say we are standing again for values that are important, not only in the United States, but in Europe and around the world.

There are some who question this, and I understand it. I am not one who runs quickly to get involved in any military undertaking. I only wish those who have doubts about this would have been with me last Saturday afternoon, walking through this camp in Brazda, in Macedonia, or, frankly, in many other camps, where the 350,000 Kosovo refugees now in Albania are living in tents and under sheets of plastic—over 120,000 in Macedonia, over 30,000 in Montenegro. Honestly, these are the lucky refugees. They got out alive. They are under the protection of NATO.

The unluckiest are still left behind, those who are still hiding out as refugees in Kosovo, in the woods, hoping they can survive another day until this war comes to an end and it is safe to go home. Those who were brought in, conscripted as slave labor in the Serbian Army, those are the ones who were unlucky. Those are the ones we have to always remember are part of our mission.

Earlier this morning, we were visited by the Prime Minister of Great Britain, Tony Blair. I had never met him before. He is an impressive individual. I can understand why the people of that nation have decided to choose him as a leader. He said some things that were flattering, but I think well worth sharing as I speak to you today. He said the United States has a special place in this world. It is an example to the rest of the world so many times. He said, ''I can't tell you how many times we say thank God for America and its leadership.'' I am proud of that. And I am proud of the men and women who have made it possible,

Those pilots who put their lives on the line every night in the bombers, soon in the helicopters, to try to bring this war to a conclusion and peace to Yugoslavia.

I am proud, too, of the families back home who wait, hoping that they will return safely. I am proud of the families of the three POWs who have been captured there. I want to let them know we will never forget those prisoners. They are in our thoughts and our prayers every moment until they come home safely, as they will.

I think we have to stay this course. We have three difficult choices at this moment. We can leave, and if we leave, what have we left behind? This pennyante dictator with his genocide and ethnic cleansing who will pick another helpless target?

Some say we should have a ground war. I am not for that. I do not think that will work. Or we can pursue this air campaign, a campaign which has gone on about 26 days, about which 13 or 14 days we have had good weather. If we pick up the intensity of this bombing, Mr. Milosevic will understand there is a price to pay for his horrible policy of ethnic cleansing.

If this ends as we want it to, we will close the 20th century with peace in Europe. We will be able to say to Europeans wherever they live that the United States, your partner, stood by your side during one of the bloodiest centuries in the history of Europe. When it was all over, the values we cherish, the values we fought for, prevailed. That is what is at stake here, and that is what I hope most Americans will recall.

Mr. President, I yield back the remainder of my time.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Thank you very much, Mr. President.

EARTH DAY

Mr. GRAMS. Mr. President, today across our country, Americans are commemorating Earth Day, a day vitally important to all who serve in this Chamber as well.

As my colleagues know, Earth Day was first observed on April 22, 1970. Its purpose was, and it remains, to make people across the country and around the world reflect on the splendor of our planet, an opportunity to get the people to think about the Earth's many gifts we often take for granted.

Earth Day is a day for us to renew our commitment to protect our environment and recognize the respect we must give our natural resources, recycling and replenishing whenever possible.

The New York Times, on the original Earth Day, ran a story which in part read:

> Conservatives were for it. Liberals were for it. Democrats, Republicans and Independents were for it. So were the ins, the outs, the executive and the legislative branches of Government.

Mr. President, the goals of Earth Day 1970 were goals upon which all of us agree. They are goals still shared across the country, regardless of age, gender, race, economic status, or religious background, and they are shared by this Senator as well.

I consider myself a conservationist and an environmentalist, and I think everyone who serves in the Senate also does. No one among us is willing to accept the proposition that our children or grandchildren will ever have to endure dirty water or filthy skies. Our children deserve to live in a world that affords them the same environmental opportunities that their parents enjoy today.

When speaking about the Earth and our environment, however, it is becoming increasingly difficult to highlight the consensus that exists in Congress on protecting the environment, because the environmental debate is now so focused on the margins.

The proliferation of special interest groups has forced our debate away from our common concerns and left the American people with the idea that an individual is either for the environment or against it, and that determination is made not by the voters or by one's record, but by the scorecard or the rhetoric of a particular organization.

I would like to take a moment this Earth Day to remind my constituents and the American people of the tremendous progress we have made on a bipartisan basis towards protecting the Earth and its inhabitants and, at the same time, improving and conserving our precious natural resources.

In the 104th Congress, we passed several major pieces of legislation to improve the environment. They include the Safe Drinking Water Act, the conservation title to the farm bill, the Coastal Zone Management Act, the Invasive Species Act, the Everglades Protection Amendments, the Food Quality Protection Act, the Water Resources Development Act, the Battery Recycling Act, and the Parks and Public Lands Management Act, just to name a few.

Those public laws are now at work helping Americans protect the environment by including billions of dollars to improve the safety of our Nation's drinking water and billions more on conservation efforts on more than 37 million acres of sensitive land.

Those programs will help improve our cities' waterfronts, control invasive species in our lakes, and increase visitor enjoyment and natural resource protection in our Nation's parks and in our visitors' enjoyment.

Unfortunately, if a Member's constituents did not take the time to review the complete record of their Member of Congress, they would not know the truth.

While the accomplishments of the 104th Congress are impressive, the 105th Congress did not rest on its laurels over the past 2 years. The environmental accomplishments of the 105th Congress include the National Wildlife Refuge System Improvement Act, the North American Wetlands Conservation Act, the Dolphin Conservation Act, the Great Lakes Fish and Wildlife Restoration Act, the National Park System Restoration Act, the National Wildlife Refuge System Volunteers and Community Partnership Act, the Tropical Forest Conservation Act, the African and Asian Elephant Conservation

Acts, and a host of programs contained within the provisions of the appropriations legislation.

Again, these programs will provide even more money, billions of dollars across the spectrum of environmental protection. These programs were passed only through bipartisan cooperation and were largely supported by most Members of Congress.

In the 106th Congress, we are off to another good start. I have focused my efforts on looking at legislation which improves our Nation's energy efficiency and security and promotes the use of alternative renewable sources of energy.

I am a cosponsor of legislation to extend the wind energy tax credit and to provide a tax credit for the production of energy from poultry litter.

I have also cosponsored legislation with Senators COVERDELL, BREAUX, and DEWINE which would force Federal facilities to comply with the provisions of the Clean Water Act, something they are currently able to avoid by claiming sovereign immunity.

I will soon be joining Senators MURKOWSKI and HAGEL as an original cosponsor of the Energy and Climate Policy Act which, through tax credits and public-private partnerships, will promote research and development of technologies which reduce or sequester greenhouse gas emissions.

We have had tremendous accomplishments in Congress over the past 4 years, and I make this point not to illustrate a difference between Republican and Democratic Congresses, but to highlight our shared commitments to protecting the environment, improving our wildlife habitats, making our water supply safer, increasing visitor enjoyment in our Nation's parks, and also strengthening our dedication to leaving a proud legacy of natural resource protection for our children and grandchildren to enjoy.

Mr. President, I make these points because they are often not properly presented to the American public, because many proenvironmental initiatives are passed by unanimous consent or by voice vote. They often do not appear on our voting records. Instead, Americans are left with the five or six votes over an entire year that a special interest group portrays as the complete environmental record of Members of Congress.

Anyone who closely monitors Congress knows that these issues are not as simple as some make them out to be, and a Member's record is not accurately reflected by five or six selective votes, votes which are many times procedural votes and not votes on final passage. That is why I have long believed we can do a better job of promoting our shared commitment to both environmental protection and economic growth by highlighting our many common beliefs, rather than taking a microscope to those beliefs upon which differences arise.

Clearly, partisanship will always be present in congressional debates, but no American is well served when issues as important as environmental protection are dominated by the flagrant distortion of the truth.

Mr. President, I suggest that on this Earth Day, we pledge to come together to improve our environment and strengthen our natural resources. I suggest that we recognize both our failures and also our successes of the past. We must recognize that today compliance with regulations is the rule and that blatant attempts to pollute and circumvent regulations are the exception. With this in mind, I believe we must renew our Nation's commitment to pragmatism.

Government on all levels must do its part as watchdog while empowering those being regulated to develop unique and innovative means of compliance. At the same time, we must promote ideas that create public-private partnerships and encourage companies and individuals to take voluntary steps to protect our natural resources. Through education and awareness, we will be able to approach environmental issues in a way that fosters compromise and in a way that ensures public policy is pursued in the best interest of all.

It is time we commit ourselves to achieving real results through environmental initiatives. We must make sure that Superfund dollars go to clean up the Superfund sites, not go into the pockets of lawyers. We must base our decisions on clear science with stated goals and flexible solutions. We must give our job creators more flexibility in meeting national standards as a means of eliminating the pervasive ''command and control'' approach that has infected so many of our Federal programs.

And finally, the Federal Government needs to promote a better partnership between all levels of Government, with job providers, environmental interest groups, and with the taxpayers. Moving forward together in eliminating the inflammatory rhetoric which sometimes consumes the entire environmental debate will not be easy, but if we are going to work together to ensure the splendor of our natural resources far into the future, I believe it is a step that we are going to have to take.

Thank you very much, Mr. President.

THE 29TH ANNUAL EARTH DAY

Mr. LOTT. Mr. President, today marks the 29th annual Earth Day —a day to evaluate our environment—a day to celebrate. Along with all Americans, I too want to live in a clean environment, and like most Americans, I fully believe efforts are needed to ''protect the environment.'' However, I question how ''protecting the environment'' is defined and bureaucratically implemented, especially when it begins to truly hurt Americans.

Mr. President, I hope my colleagues will look at each environmental policy—new and old—carefully, to make sure the benefits are both real and achievable. Congress should make sure the costs are tolerable and properly allocated, and Congress needs to ensure that the standards and time tables make sense. Most importantly, the Congress needs to make sure that the science is legitimate.

There are some who advance an agenda under the guise of environmental concern. This is not only wrong, but harmful. There are some who do not provide accurate costs and who inflate benefits. This too is wrong. There are some who have no concern about those who will really be affected by the new policy. This is also very wrong—Congress should never lose sight of the constituents.

Mr. President, the Senate needs to continue to ''protect the environment'' while ''protecting the people'' who live in that environment. The Senate must examine the costs inflicted upon our society, as it relates to the environmental protection, to make sure it is acceptable.

This Earth Day anniversary is a good anniversary. There are many things of which to be proud, and many people and organizations which should be proud. Many can rightly take credit. Yes, the federal government stepped in. However, over the past three decades I've seen states and local governments also step up to the plate and act responsibly. After 30 years states should be given more responsibility, because of their effectiveness in environmental matters.

Mr. President, this Earth Day anniversary is a good anniversary, because the corporate world has invested billions and billions of dollars more than thirty years to clean the environment—the air, the soil, and the water. Everyone has benefited. The initial federal rules worked, but over the past 30 years industry has learned how to take environmental action in a more effective way. The federal government, not known for its efficiency, should do a better job of asking for these environmental solutions, because the same results at lower costs are good for America. Industry wants to be a partner in this effort.

Mr. President, today the new environmental enemy is urban sprawl. This is unfortunate because Congress does not need to find a new evil enemy to pursue to make environmental policy work. Suburbs, backyards, and shopping centers are not our enemy. Mr. President, the family living in the suburbs is not the enemy. I hope my colleagues will take a more balanced approach, and look for ways to legislate that avoid the adversarial approach. For thirty years industry was blamed for our environmental problems, now it's the family living in the suburbs. This is counter productive. This is a terribly destructive way to ''protect the environment.''

Mr. President, nearly 30 years of Earth Days has heightened everyone's awareness—yours and mine. I truly believe everyone is now a better steward

of our planet. Lets unleash America's entrepreneurial spirit and search for new approaches and new incentives to protect America's air, soil, and water. Happy Earth Day.

EXPRESSING THE GRATITUDE OF THE UNITED STATES SENATE FOR THE SERVICE OF THOMAS B. GRIFFITH

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 82, submitted earlier today by Senator THURMOND.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 82) expressing the gratitude of the United States Senate for the service of Thomas B. Griffith, Legal Counsel for the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. THURMOND. Mr. President, I rise today to commend Mr. Thomas B. Griffith, who, on April 18, 1999, resigned from the position of Senate Legal Counsel to return to the private practice of law. Mr. Griffith served in that office for the past four years.

Mr. President, as President pro tempore of the Senate, it was my pleasure to oversee the work of the Office of Legal Counsel during Mr. Griffith's tenure. I appreciated the great dedication and professionalism he displayed in his capacity as Legal Counsel.

The Office of Senate Legal Counsel plays an important role for the United States Senate. It is responsible for providing legal defense to the Senate, its committees, Members, officers, and employees when authorized to do so. The Legal Counsel represents Senate committees in proceedings to obtain evidence for Senate investigations. As directed, it intervenes or appears as amicus curiae in the name of the Senate and Senate committees. It also represents the interests of the Senate as intervenor or amicus curiae in various other court cases. On an ongoing basis, the Senate Legal Counsel Office provides legal advice to Members, committees, and officers of the Senate.

Among the highlights of Mr. Griffith's career in the Senate would undoubtably be the impeachment trial of the President of the United States. During those proceedings, Mr. Griffith provided the Senate with professional and nonpartisan advice on a range of issues related to the impeachment process.

Other significant actions in which Mr. Griffith participated or directed as Senate Legal Counsel include the consideration of the Louisiana Contested Election Petition by the Committee on Rules and Administration; the investigation of Campaign Finance Practices by the Senate Committee on Governmental Affairs; the Judiciary Committee's review of the White House use of FBI files; and the work of the Special Committee To Investigate Whitewater Development Corporation.

In addition, Mr. Griffith represented the interest of the Senate, its Members, employees and Officers, in a number of cases filed in the courts. At the top of this list would be his work on the Line Item Veto cases.

In all of these activities, Mr. Griffith has seen to it that we are all served well by a professional, career, and nonpartisan staff.

Mr. President, I am proud to sponsor this resolution and I am proud to have known and worked with Thomas Griffith. He has served his Nation well. I wish Thomas, his wife Susan, and their children the very best for the future.

Mr. DODD. Mr. President, as an original cosponsor of the resolution, I rise today to add my remarks in support of, and in gratitude to, our former Senate Legal Counsel, Mr. Tom Griffith.

It is always with mixed emotions that I speak on occasions such as this; while I am glad for Tom and wish him well in his return to private practice, I know that the Senate will miss the wise counsel and dedication he demonstrated during his nearly 4 years of service to this body.

The ancient Chinese had a curse in which they wished their victim a life ''in interesting times''. For better or for worse, Tom lived such a life as Senate Legal Counsel. From my place on the Rules Committee—first as a member and now as Ranking Member—I had a unique perspective on the Legal Counsel's efforts to deal with numerous ''interesting'' issues presenting novel, rare and in some cases historic issues, including implementation of the Congressional Accountability Act, resolution of the Louisiana election challenge, and, of course, the recent impeachment trial. Speaking for myself—and, I suspect, most of my colleagues—I must say that Tom handled those difficult responsibilities with great confidence and skill.

A more contemporary observer—and one of Connecticut's most famous residents—Mark Twain, once suggested: ''Always do right—this will gratify some and astonish the rest.'' During his tenure as Legal Counsel, Tom exemplified this philosophy, impressing all who knew him with his knowledge of the law and never succumbing to the temptation to bend the law to partisan ends. All of us who serve here in the Senate know the importance of the rule of law; but let us never forget that it is individuals like Mr. Thomas Griffith whose calling it is to put that ideal into practice.

Once again, I wish to express my gratitude to Tom for his years of service, and I ask that my colleagues join me in supporting this resolution.

Mr. GRAMS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 82) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 82

Whereas Thomas B. Griffith, the Legal Counsel of the United States Senate, became an employee of the Senate on March 18, 1995, and since that date has ably and faithfully upheld the high standards and traditions of the Office of Legal Counsel of the United States Senate;

Whereas Thomas B. Griffith, from October 24, 1995, to April 18, 1999, served as the Legal Counsel of the United States Senate and demonstrated great dedication, professionalism, and integrity in faithfully discharging the duties and responsibilities of his position, including providing legal defense of the Senate, its committees, Members, officers, and employees; representing committees in proceedings to obtain evidence for Senate investigations; representing the interests of the Senate as intervenor or amicus curiae in various court cases; and otherwise providing legal advice to Members, committees, and officers of the Senate;

Whereas Thomas B. Griffith, only the second person to hold the position of Senate Legal Counsel since it was created in 1979, has met the needs of the United States Senate for legal counsel with unfailing professionalism, skill, dedication, and good humor during his entire tenure; and

Whereas Thomas B. Griffith has tendered his resignation as Senate Legal Counsel, effective as of April 18, 1999, to return to the private practice of law; Now, therefore, be it

Resolved, That the United States Senate commends Thomas B. Griffith for his more than 4 years of faithful and exemplary service to the United States Senate and the Nation, including 3½ years as Senate Legal Counsel, and expresses its deep appreciation and gratitude for his faithful and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Thomas B. Griffith.

ADJOURNMENT UNTIL MONDAY, APRIL 26, 1999, AT 1 P.M.

Mr. GRAMS. Mr. President, I understand that there is no further business to come before the Senate, so I ask unanimous consent that the Senate now stand in adjournment under the previous order.

There being no objection, the Senate, at 3:12 p.m., adjourned until Monday, April 26, 1999, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate April 22, 1999:

THE JUDICIARY

H. ALSTON JOHNSON, III, OF LOUISIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE JOHN M. DUHE, JR., RETIRED.

KERMIT BYE, OF NORTH DAKOTA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, VICE JOHN D. KELLY, DECEASED.

ANNA J. BROWN, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON, VICE MALCOLM F. MARSH, RETIRED.

FAITH S. HOCHBERG, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE JOSEPH H. RODRIGUEZ, RETIRED.

DEPARTMENT OF DEFENSE

IKRAM U. KHAN, OF NEVADA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 1999, VICE ALAN MARSHALL ELKINS, TERM EXPIRED.

IKRAM U. KHAN, OF NEVADA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 2005. (REAPPOINTMENT)

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. THOMAS J. NICHOLSON, 0000.
COL. DOUGLAS V. ODELL, JR., 0000.
COL. CORNELL A. WILSON, JR., 0000.

CONFIRMATION

Executive nomination confirmed by the Senate April 22, 1999:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

GORDON DAVIDSON, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2004.